

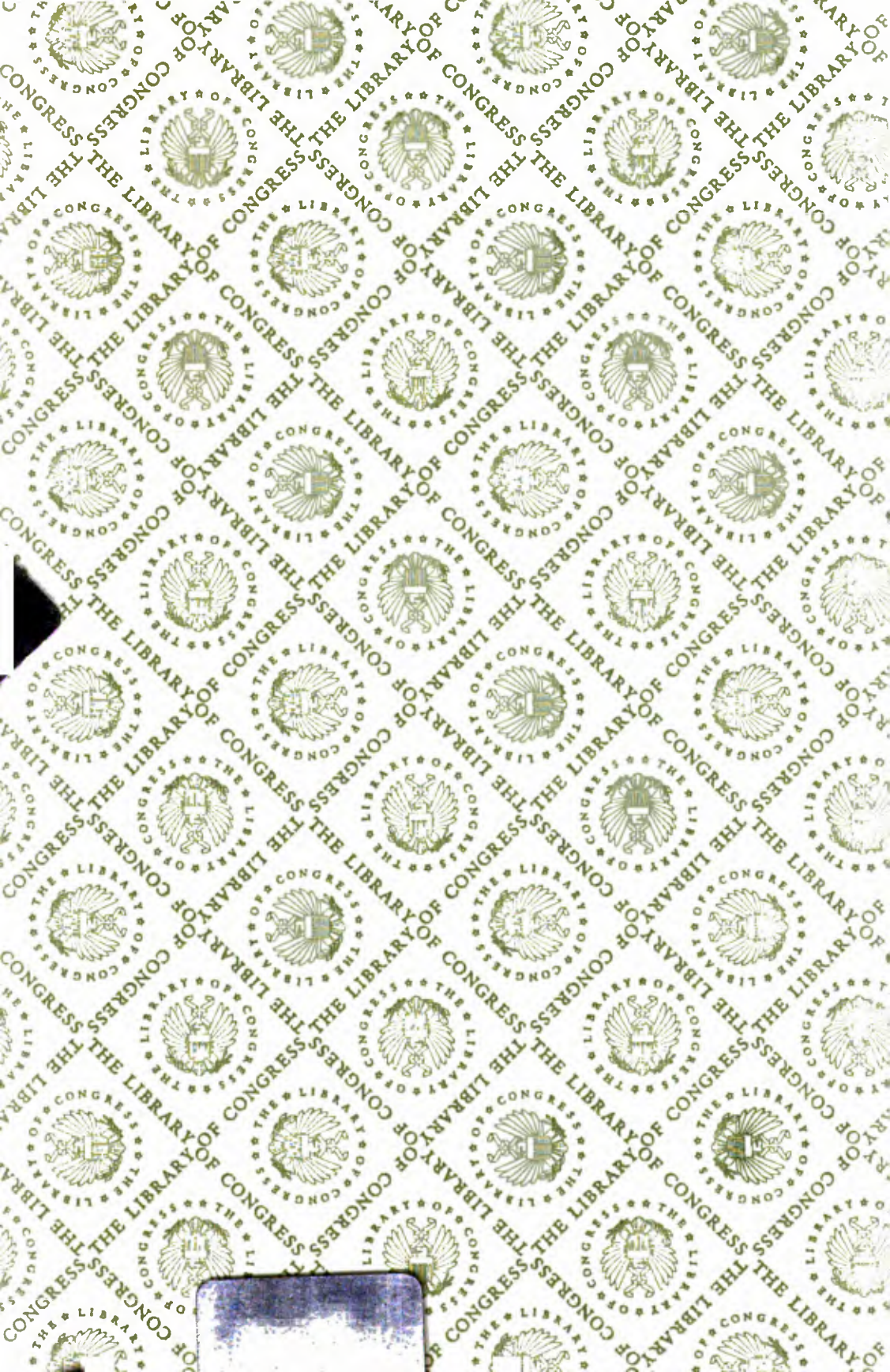
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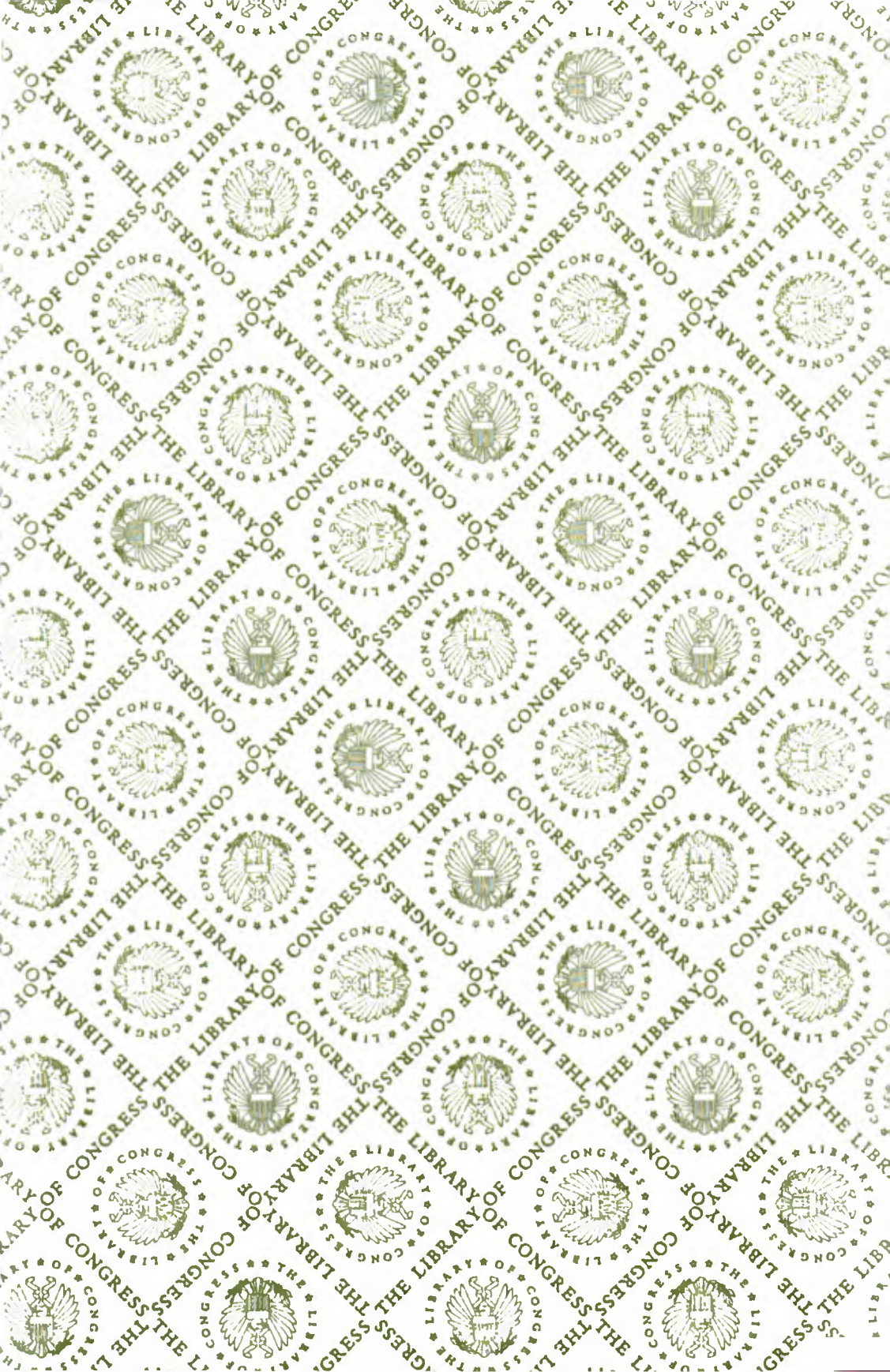
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CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME

OF THE

**COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES**

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

ON

H.R. 764

MAY 12, 1999

Serial No. 13



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CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

WEDNESDAY, MAY 12, 1999

**HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME,
COMMITTEE ON THE JUDICIARY,
Washington, DC.**

The subcommittee met, pursuant to call, at 9:30 a.m., in Room 2237, Rayburn House Office Building, Hon. Bill McCollum [chairman of the subcommittee] presiding.

Present: Representatives Bill McCollum, Robert C. Scott and Sheila Jackson Lee.

Also Present: Representatives Deborah Pryce and Stephanie Tubbs Jones of Ohio.

Staff Present: Glenn R. Schmitt, Counsel; Veronica Eligan, Staff Assistant; and Bobby Vassar, Minority Counsel.

OPENING STATEMENT OF CHAIRMAN MCCOLLUM

Mr. MCCOLLUM. The hearing of the Subcommittee on Crime will come to order. Today the subcommittee holds a hearing on H.R. 764, the Child Abuse Prevention and Enforcement Act. This bill was introduced by Representative Deborah Pryce of Ohio and was originally cosponsored by several Members from both sides of the aisle. The purpose of the bill, as I understand, is to increase the Federal crime fighting funds that are available for enforcing child abuse and neglect laws and programs and to help States pay for the costs of providing child protection and child welfare workers with access to criminal conviction information and orders of protections.

I doubt that anyone in the room today would dispute these goals but, of course, the harder policy question is how best to accomplish them with the limited public funds that are available. It does make sense to me that State Government child welfare and protective workers should be able to quickly ascertain if one of the adults living in a home has a record of domestic violence or child abuse, or whether a court has entered a protective order against a parent or stepparent. And I also believe that these Government employees should be able to screen potential foster parents to determine if they have a criminal background before placing a child in their care.

This type of background check is not performed in all States, and measures such as this bill might help make that more likely. At the same time, I have concerns with making this information available to private citizens. I hope that we can discuss the merits of

extending access to private citizens working in this area during the hearing today.

I also note this bill would allow for those Federal funds presently authorized to be used to buy equipment so that children testifying in abuse cases can testify by closed-circuit television to be used for the new purpose described in the bill. I am concerned that we may be taking funds away from a much needed area, and I will ask witnesses before us today to comment on this issue.

[The information referred to follows:]

106TH CONGRESS
1ST SESSION

H. R. 764

To reduce the incidence of child abuse and neglect, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 1999

Ms. PRYCE of Ohio (for herself, Mr. EWING, Mr. GREENWOOD, Mr. DELAY, and Mrs. JONES of Ohio) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To reduce the incidence of child abuse and neglect, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Abuse Prevention and Enforcement Act".

SEC. 2. IMPROVEMENT OF ACCESS TO CERTAIN COURT AND LAW ENFORCEMENT RECORDS TO PREVENT CHILD ABUSE.

(a) DESCRIPTION OF GRANT PROGRAM.—Section 1402 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796aa-1) is amended by adding before the period at the end the following: "or to provide child protective workers and child welfare workers (in public and private agencies, who, in the course of their official duties, are engaged in the assessment of risk and other actions related to the protection of children, including placement of children in foster care) access to criminal conviction information and orders of protection based on a claim of domestic or child abuse, or to improve law enforcement access to judicial custody orders, visitation orders, protection orders, guardianship orders, stay away orders, or other similar judicial orders".

(b) APPLICATION TO RECEIVE GRANTS.—Section 1403 of such Act (42 U.S.C. 3796aa-2) is amended—

(1) in paragraph (1), by inserting before the semicolon at the end the following: "or to provide child protective workers and child welfare workers (in public and private agencies, who, in the course of their official duties, are engaged in the assessment of risk and other actions related to the protection of children, including placement of children in foster care) access to criminal conviction information and orders of protection based on a claim of domestic or child abuse, or to improve law enforcement access to judicial custody orders, visitation orders, protection orders, guardianship orders, stay away orders, or other similar judicial orders"; and

(2) in paragraph (2), by inserting before the period at the end the following: "or to provide child protective workers and child welfare workers (in public and private agencies, who, in the course of their official duties, are engaged in the assessment of risk and other actions related to the protection of children, including placement of children in foster care) access to criminal conviction information and orders of protection based on a claim of domestic or child abuse, or to improve law enforcement access to judicial custody orders, visitation or-

ders, protection orders, guardianship orders, stay away orders, or other similar judicial orders”.

(c) REVIEW OF APPLICATIONS.—Section 1404(a) of such Act (42 U.S.C. 3796aa-3(a)) is amended in the matter preceding paragraph (1) by inserting after “to receive a grant” the following: “for closed circuit televising of testimony of children who are victims of abuse”.

(d) DEFINITIONS.—Section 1409(2) of such Act (42 U.S.C. 3796aa-8(2)) is amended by inserting before the period at the end the following: “or the taking of a child in violation of a court order”.

(e) CONFORMING AMENDMENT.—Part N of title I of such Act (42 U.S.C. 3796aa) is amended in the heading to read as follows:

“PART N—GRANTS FOR CLOSED-CIRCUIT TELEVISIONING OF TESTIMONY OF CHILDREN WHO ARE VICTIMS OF ABUSE AND FOR IMPROVING ACCESS TO COURT AND LAW ENFORCEMENT RECORDS FOR THE PURPOSE OF PREVENTING CHILD ABUSE”.

SEC. 3. USE OF FUNDS UNDER BYRNE GRANT PROGRAM FOR CHILD PROTECTION.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

- (1) by striking “and” at the end of paragraph (25);
- (2) by striking the period at the end of paragraph (26) and adding “; and”; and
- (3) by adding at the end the following:
“(27) enforcing child abuse and neglect laws and programs designed to prevent child abuse and neglect.”.

SEC. 4. INCREASE IN SET ASIDE FOR CHILD ABUSE VICTIMS UNDER THE VICTIMS OF CRIME ACT OF 1984.

Section 1402(d)(2) of the Victims of Crime Act of 1984 is amended by striking “\$10,000,000” and inserting “\$20,000,000”.



Mr. McCOLLUM. We are fortunate to have witnesses testifying who bring a wealth of knowledge and experience in the area of child abuse, prevention, treatment and victim assistance. I am sure their expertise will greatly benefit the subcommittee as we examine the legislation today, and I welcome all of you to this hearing.

Mr. Scott, do you have an opening remarks?

Mr. SCOTT. Thank you, Mr. Chairman. And I want to express my appreciation to you for holding this hearing on the subject of child abuse and neglect and on a piece of legislation designed to address some of the inadequacies of our efforts to prevent child abuse and neglect.

The problem of child abuse and neglect is disturbing and far-reaching. The U.S. Department of Health and Human Services in a report issued in April of this year indicated that there are over 950,000 documented cases of child abuse/neglect in 1997. Further, in an earlier report, HHS indicated that while the number of child abuse/neglect cases has increased since 1986, the actual number of cases investigated by State agencies has remained about the same. As a result, the proportion of cases investigated has decreased from 44 percent in 1986 to 28 percent in 1993.

The failure to adequately address the problem of child abuse and neglect is costly in many ways. First and foremost, there is the human tragedy related to the victimized child. Obviously, abused

and neglected children carry physical and emotional scars with them forever affecting every aspect of their life.

In addition, the National Committee to Prevent Child Abuse estimated that in 1993, the annual cost of child welfare and health care and out-of-home care for abused and neglected children totaled \$9 billion. I must also add that this is a conservative estimate in light of the fact that it does not include other related costs, such as long-term physical and mental impairment, emergency room care, lost productivity, special education services and the costs to adjudicate child abuse cases.

Yet another cost of child abuse is in the area of increased criminal activity. According to a 1992 U.S. Department of Justice study entitled *The Cycle of Violence*, 68 percent of youth arrested had a prior history of abuse and neglect. The study also indicated that childhood abuse increased the odds of future delinquency and adult criminality by approximately 40 percent.

On the positive side we know how to address the problem. The National Child Abuse Coalition reports that family support programs and parenting education have demonstrated that prevention efforts work. And as we have seen in other areas, such as drug treatment programs, community-based programs, supporting families can be implemented to prevent child abuse for far less than it costs to treat and manage the child abuse and neglect.

The legislation being considered today appears to be a step in the right direction. And it is a step in the right direction, Mr. Chairman, because it focuses on what can be done for the children and preventing the cases from occurring. One of the problems we have in this area is that many of the cases are problematic from a prosecution point of view.

The fact is that in many cases we will never know what actually happened, and proving the case in criminal court will always cause problems, but this bill deals with the fact—with helping the prosecution in those cases that can be prosecuted, but also helping the children, and I think that goes in the right direction.

We must recognize that this is but one step in the process. We must continue to examine in detail the issue of abuse and neglect in order to ensure that we are doing everything we can to address the problems.

So, Mr. Chairman, I thank you for holding the hearing, and I look forward to the testimony of the witnesses.

Mr. McCOLLUM. Well, thank you very much, Mr. Scott.

Before I introduce the first panel, I want to acknowledge that one of the original cosponsors of this bill is with us today, Congresswoman Stephanie Tubbs Jones. We are very glad to have you with us. We also had Congressman Tom Delay here a moment ago, who is as well an original cosponsor, but I see he couldn't stay for the hearing.

I would like to introduce our first panel at this time and ask them to come forward. Kathryn Turman is the Acting Director of the Office for Victims of Crime at the Justice Department. Prior to joining the office, she was the Chief of the Victim Witness Assistance Unit in the U.S. Attorney's Office. From 1993 to 1994, she served as a senior associate in the Criminal Justice Services Division of the Public Administration Service, where she directed the

national training and technical assistance program to help communities organize multiagency teams to handle child victim cases. From 1991 to 1993, she directed the Missing and Exploited Children's Program in the U.S. Department of Justice.

She serves on several national and local boards and committees dealing with the problem of child abuse and is the author of *The Child Victims and Witnesses, a Guide for Criminal Justice Professionals*, published by the Justice Department. She holds a bachelor's degree in psychology from the University of Texas.

Welcome.

Patrick J. Coleman is the Deputy Director of Policy and Management of the Bureau of Justice Assistance. He manages policy analysis, communications, strategic planning, and human resources development for BJA. Prior to assuming this position, he was responsible for training Federal staff on the challenges for State and local criminal justice program management. And prior to coming to the Justice Department, Mr. Coleman served as a senior administrator in the Iowa Department of Corrections, where he developed and managed criminal justice programs in all prisons in the judicial districts of the State. He also served as a member of the Governor's Drug Prevention and Education Council.

Mr. Coleman holds a bachelor's degree from the University of Iowa and a master's of public administration from Harvard University's Kennedy School of Government.

I want to welcome both of you here today. Your statements will be submitted in the record without objection. And I don't hear any. And, therefore, you may proceed to summarize as you see fit.

Mr. MCCOLLUM. Ms. Turman, please proceed.

STATEMENT OF KATHRYN TURMAN, ACTING DIRECTOR, OFFICE FOR VICTIMS OF CRIME, U.S. DEPARTMENT OF JUSTICE

Ms. TURMAN. Thank you. Mr. Chairman and members of the subcommittee, I am Kathryn Turman. I serve as the Acting Director for the Office for Victims of Crime. And as a former child advocate, someone who has been a child advocate through my entire career, I am very pleased that this subcommittee is focusing their attention on the serious problem of victimization of children and taking steps to alleviate the problems suffered by these very vulnerable victims.

The Office of Justice Programs and the Office for Victims of Crime are committed to enhancing the Nation's capacity to assist crime victims. OVC provides significant financial support for victim assistance and compensation programs around the country and has launched a wide range of initiatives to ensure that fair treatment of victims in our legal system and all other areas of public life.

OVC's funding is used to address a wide range of victims of crime, from victims of burglary to victims of terrorism, and from the youngest children to the elderly. I appreciate the opportunity to testify regarding some of the efforts of the Department on behalf of child abuse victims.

Included with my written statement is a summary of a number of funding streams within all of OJP that are available to address the needs of child abuse victims. According to a 1997 study funded

by the National Institute of Justice, an estimated 1 million violent crimes involving child victims are reported to the police annually. Another 1.1 million cases of child abuse are substantiated by child protection agencies, and in their lifetimes roughly 1.8 million of the Nation's adolescents between age 12 to 17 will be victims of a serious sexual assault. Another 3.9 million adolescent children will have been victims of a serious physical assault, and more than 9 million will have witnessed violence.

Victimization places children at significant risks for future delinquency, violence and adult criminality, so it is critical that criminal justice take crimes against children, including abuse that occurs within the family, very seriously, and that the treatment and other victim services are provided to children to mitigate the impact of their victimization.

The Department has had substantial involvement with child abuse victims since the passage of the Victims of Crime Act in 1984. VOCA created a very unique funding mechanism, the Crime Victims Fund, to support services to crime victims. The Fund is derived from fines and penalties paid by convicted Federal offenders, not from tax dollars. In the 15 years since the fund was created, OVC has provided almost \$3 billion to support thousands of crime victims programs throughout the United States.

A substantial portion of these funds have gone to support programs and services for child victims of crimes. However, due to the nature of the Fund, dependent on fines imposed upon and paid by Federal criminal offenders, it is not possible to predict with any precision the actual amount that will be deposited into the Fund in a specific year. For instance, in 1995 and 1996, 763 million was collected from Federal criminal offenders; while in 1997 and 1998, Fund deposits totaled approximately 687 million, which represents the \$76 million decline in deposits. Currently Fund deposits are again running behind last year.

In 1986, when Senator Paula Hawkins introduced the Children's Justice Act amendment to VOCA, it was a time when abuse of children was coming to public attention, and the country has just witnessed the shortcomings of the McMartin preschool case and other high-profile cases. As the Nation watched the turmoil suffered by children thrust into the criminal justice system and the frustration of justice and social service professionals, we recognized that there was a huge need to provide resources to improve the investigation and prosecution of child abuse cases.

The CJA provided a modicum of resources to develop training programs and protocols. Since CJA was enacted, a wide range of research, training and model programs have been established to improve the justice system's response to cases of child abuse, neglect and exploitation from a variety of funding sources in addition to CJA.

Recently the Child Development Community Policing Project in New Haven, Connecticut, has served as the model for the newly funded Safe Start program that is jointly supported by the Office of Juvenile Justice and Delinquency Prevention, the Violence Against Women's Office and OVC. More than 350 children's advocacy centers have been funded across the Nation.

Funding for children's advocacy centers represents roughly 23 percent of the funds set aside under CJA. Funding through OJJDP and through State VOCA victim assistance programs from OVC are also provided to communities for children's advocacy centers. This is just one example where there are at least three distinct funding streams, CJA, VOCA and OJJDP, funneling money to the same initiative and from two separate agencies.

Many organizations such as the National Children's Advocacy Center, the American Prosecutors Research Institute and the American Professional Society on the Abuse of Children sponsor a variety of training and professional education courses to professionals who work with abused and neglected children. All of these programs have been initiated or supported by funding from the Department of Justice, as well as other Government and private sources.

Recently, Deputy Attorney General Eric Holder launched the Children Exposed to Violence Initiative with three specific purposes in mind: to prevent children's exposure to violence, to intervene early in the lives of children who are exposed, and to hold perpetrators of violence against children accountable.

As previously mentioned, the Crime Victims Fund is used to support States' compensation programs that provide financial assistance to crime victims for out-of-pocket expenses incurred as a direct result of crime, such as medical and mental health counseling, lost wages, funeral expenses, and to support more than 3,000 community-based victim services programs, which include rape crisis centers, domestic violence programs, support programs for homicide survivors and a myriad of services for child physical and sexual abuse victims.

Based on the latest data from fiscal year 1998, our State victim assistance program spent \$44 million, and the State crime victim compensation programs spent \$32 million on child abuse victims. This means that under VOCA, and not counting the CJA set-asides, States spent about \$76 million of Victims of Crime Act funds on child abuse.

Between 1994 and 1996, the VOCA victim assistance program funding for child victims increased 80 percent. These funds are used for direct services for child victims.

Mr. Chairman, that concludes my formal remarks. I would be pleased to continue to work with this subcommittee as you consider legislation to address these important issues. I would be pleased to answer any questions you may have.

Mr. MCCOLLUM. Thank you very much, Ms. Turman.

[The prepared statement of Ms. Turman follows:]

PREPARED STATEMENT OF KATHRYN TURMAN, ACTING DIRECTOR, OFFICE FOR
VICTIMS OF CRIME, U.S. DEPARTMENT OF JUSTICE

Good morning, Mr. Chairman and Members of the Subcommittee: I am Kathryn Turman and I serve as the acting director of the Office for Victims of Crime (OVC) within the Office of Justice Programs, U.S. Department of Justice. I am here with my colleague, Patrick Coleman, of the Bureau of Justice Assistance, which is also part of the Office of Justice Programs (OJP). We represent two of the five bureaus within OJP, an agency that is responsible for supporting state and local criminal justice systems in all its aspects—from law enforcement to victim assistance.

As the former director of the Department's Missing and Exploited Children's program, the former Victim-Witness Coordinator for the U.S. Attorneys Office in the

District of Columbia, and a former member of the American Professional Society on the Abuse of Children (APSAC), I am pleased that this subcommittee is focusing its attention on the serious problem facing communities of this country—children exposed to violence—and taking steps to alleviate the trauma suffered by these very vulnerable victims.

The Office of Justice Programs and the Office for Victims of Crime are committed to enhancing the nation's capacity to assist crime victims and to providing leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime. I appreciate the opportunity to testify today regarding some of the efforts of the Department on behalf of child abuse victims and share our thoughts regarding how best to respond to child victims. Included with my statement is a summary of the number of funding streams within all of OJP that are available to address the needs of child abuse victims.

For more than a decade, OVC has served as the federal government's chief advocate for victims of crime. OVC provides significant financial support for victim assistance and compensation programs around the country and has launched a wide range of initiatives to ensure the fair treatment of victims in our legal system and in all other areas of public life.

According to a 1997 study, funded by the National Institute of Justice and conducted by Drs. Dean Kilpatrick and Benjamin Saunders of the Crime Victim Research and Treatment Center at the Medical University of South Carolina, an estimated 1 million violent crimes involving child victims are reported to police annually, another 1.1 million cases of child abuse are substantiated by child protection agencies annually, and in their lifetimes, roughly 1.8 million of the nation's adolescents between the ages 12 and 17 will have been victims of a serious sexual assault, 3.9 million adolescent children will have been victims of a serious physical assault, and almost 9 million will have witnessed serious violence. These statistics add up to one thing—they make child victim issues a high priority for this Administration.

In fact, in December 1998 President Clinton and Deputy Attorney General Eric Holder launched the *Children Exposed to Violence Initiative* with three specific purposes in mind—to prevent children's exposure to violence, to intervene early in the lives of children who are exposed, and to hold perpetrators of violence against children accountable. This initiative focuses public attention on abuse and violence that affects the lives of too many children, and challenges federal, state, and local law enforcement—in partnership with families, communities, social service agencies, child protective services, mental and physical health care providers, schools, courts, the private sector, and federal, state, and local government leaders—to improve prevention, intervention, and accountability efforts. On June 22–24, 1999, the Justice Department and the Department of Health and Human Services will co-host a National Summit on Children Exposed to Violence in Washington, D.C.

While this effort is a new initiative, the Department has had substantial involvement with child abuse victims since the passage of the Victims of Crime Act of 1984 (VOCA). In that Act, Congress created a unique funding mechanism—the Crime Victims Fund (the Fund)—to support services to crime victims. The Fund is derived from fines and penalties paid by convicted federal offenders—not from tax dollars. In the 15 years since the VOCA was enacted, deposits into the Fund have increased from \$77 million in its first year (1987) to \$363 million in FY 1998. In total, the Fund has received more than \$2 billion since its inception to support thousands of crime victim programs throughout the United States. This includes programs and services for child victims of crimes. However, due to the nature of the Fund, relying as it does on fines imposed upon and paid by federal criminal offenders, it is not possible to predict with any precision the actual amount that will be deposited into the Fund in a specific year.

In 1986 when Senator Paula Hawkins introduced the Children's Justice and Assistance Act amendment to VOCA, it was at a time when the country had just witnessed the shortcomings of the McMartin Preschool case. As the nation watched the turmoil suffered by the children thrust into the criminal justice system and the frustration of justice and social service professionals, we recognized that there was a dire need to provide resources to improve the investigation and prosecution of child abuse cases. The Children's Justice and Assistance Act provided a modicum of resources to develop training, programs, and protocols in this area.

Since 1986, when CJA was enacted, a wide range of research, training, and model programs have been established to improve the justice system's response to cases of child abuse, neglect, and exploitation from a variety of funding sources in addition to CJA. For instance, at the New Haven Department of Police Services and the Child Study Center at the Yale University School of Medicine, a collaborative program to address the psychological impact of family and community violence on children and families, brings together police officers and mental health professionals to

provide each with training and consultation, and to provide direct interdisciplinary intervention for children who are victims, witnesses, or perpetrators of violent crime. This program has been replicated in a number of cities and is the basis for the OJP Safe Start program begun this year. Safe Start is a \$10 million initiative to support replication of this effort in about 12 communities. OVC is joining with the Violence Against Women Office and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to fund and monitor the program.

Another well-known example has been the establishment of Children's Advocacy Centers in more than 350 communities across the nation. These centers allow law enforcement officers, child protection workers, prosecutors, victim advocates, and therapists to conduct coordinated interviews of children in a "child friendly" setting rather than multiple interviews in intimidating environments.

According to the Department of Health and Human Services' *Update of State Activities Conducted Under the Children's Justice Act*, proposed annual funding for Children's Advocacy Centers represents roughly 23 percent or \$254,610 of the funds set aside for investigation efforts under CJA. Funding through OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP) and through state VOCA victim assistance funding from OVC are also provided to communities seeking to establish or strengthen Children's Advocacy Centers. This is just one example where there are at least three distinct funding streams—CJA, VOCA, and OJJDP—funneling money to the same initiative, and from two separate agencies.

Each year the Dallas Police Department Investigations Unit sponsors its annual Crimes Against Children Training Conference, where hundreds of law enforcement personnel and multi-disciplinary teams from across the United States attend a five-day comprehensive training course intended to improve the investigation and prosecution of child abuse and neglect cases.

Further, the American Professional Society on the Abuse of Children (APSAC) offers a variety of training and professional education courses to professionals who work with abused and neglected children. APSAC's national colloquium provides training for professionals on a range of topics relating to child abuse and neglect. APSAC's Advanced Training Institutes offer instruction in six-hour blocks on topics such as developing courtroom skills for expert testimony in child maltreatment cases, advanced medical evaluation of physical or sexual abuse, coordinated multi-disciplinary approaches, and interdisciplinary training relating to child fatalities. APSAC also conducts 40-hour Child Forensic Interviewing Clinics that give participants the opportunity to interact with clinicians, researchers, and trainers in the field of forensic child interviewing.

The American Prosecutors Research Institute (APRI), along with the National Center for the Prosecution of Child Abuse, provides extensive training, resources, support, and advice to prosecutors, police, social workers, and others involved in the prosecution of child abuse cases. With funding from OJJDP, APRI also offers an advanced dual track training course for prosecutors in the areas of child exploitation and parental kidnapping.

Finally, the Fox Valley Technical College in Wisconsin provides training and technical assistance to law enforcement, prosecutors, child protective service workers and family service professionals who work with missing and exploited children. These programs are designed to increase skills and abilities, enhance service coordination and delivery, and improve the investigation and handling of missing and exploited children cases. All of these programs have been initiated from a variety of governmental and private funding sources. Each year, various components within the Department of Justice sponsor and support training for professionals who interact with child abuse victims. These funds for child abuse initiatives are provided by the Office of Juvenile Justice and Delinquency Prevention, the Violence Against Women Grants Office, the Bureau of Justice Assistance, and the Office for Victims of Crime.

As previously mentioned, the Crime Victims Fund is used to support state compensation programs that provide financial assistance to crime victims for out-of-pocket expenses incurred as a direct result of crime such as medical and mental health counseling, lost wages, and funeral expenses, and to support community-based victim services programs such as rape crisis centers, domestic violence programs, and services for child physical and sexual abuse victims. Based on the latest data (FY98), state victim assistance programs spent \$44 million and state crime victim compensation programs spent \$32 million on child abuse. This means that under VOCA, states spent about \$76 million on child abuse. Between 1994 and 1996, in the VOCA victim assistance program funding for child abuse increased 80.5% (percent). These funds are used for direct services.

Mr. Chairman, that concludes my formal remarks. I would be pleased to continue to work with this Subcommittee as you consider legislation to address the important

issue of child victims. I would be pleased to answer any questions you or other members of the Subcommittee may have. Thank you.

Mr. McCOLLUM. And, Mr. Coleman, you may give us your summary of your statement.

STATEMENT OF PATRICK J. COLEMAN, DEPUTY DIRECTOR OF POLICY AND MANAGEMENT, BUREAU OF JUSTICE ASSISTANCE, U.S. DEPARTMENT OF JUSTICE

Mr. COLEMAN. Thank you, Mr. Chairman, members of the subcommittee. My name is Patrick Coleman. I am the Deputy Director of Policy and Management for the Bureau of Justice Assistance in the Office of Justice Programs. The mandate of BJA, is to support innovative State and local programs to strengthen the Nation's criminal justice system. And I am pleased to be here to discuss the availability of BJA funding, training, and technical assistance for use in enforcing child abuse and neglect laws and programs designed to prevent child abuse and neglect.

The prevention and intervention of child abuse and neglect is a matter of great importance. It is the responsibility of our Federal, State and local criminal justice systems to work together to ensure that communities have the capacity to identify populations that are potentially vulnerable to abuse, to implement measures that wherever possible can contribute to the prevention of such abuse, and, in the disheartening but all too frequent situations where it is required, to support the community's capacity to intervene in an abusive situation. Further, it is essential that the capacity exists to intervene in such a way that does not revictimize the victims, while at the same time provides swift, sure, and just resolution to the case.

BJA has long supported a wide variety of initiatives that seek to build community capacity to prevent and intervene in child abuse. A description of some of the initiatives supported by formula, discretionary and local law enforcement block grant funds has been entered in my written testimony.

There are two considerations under House Resolution 764 which would impact the Omnibus Crime Control and Safe Streets Act of 1968. The first amends the closed-circuit televising of Child Victims of Abuse Grant Program to allow the use of these funds to provide child protective workers and child welfare workers access to criminal conviction information and orders of protection.

The second considers the possibility of creating a 27th purpose area to make it possible for States to use Byrne formula funds for enforcing child abuse and neglect laws and supporting programs designed to prevent child abuse and neglect.

I think it important to consider that there are already a number of purpose areas that can be and, in fact, are used to fund child abuse prevention and intervention programs. For instance, purpose area 18 states that Byrne funds may be used for programs to improve the criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse, and elder abuse. Under the Byrne Formula Program, several States are using their funding for child-abuse-related programs. A prime example is South Carolina, which funded three agencies to find ways to improve law enforcement's response to child abuse and neglect.

During the past 3 fiscal years, 23 programs were funded across the Nation under purpose area 18 alone that specifically focused on prosecution of child abuse offenders, child abuse investigations and child abuse and sexual assault task forces. States are also using purpose areas 2, which provides for multijurisdictional task forces, and 16, which provides enhanced law enforcement and prosecution resources to fund child abuse and neglect prevention and intervention programs. Further, there are other purpose areas which could be used to fund child abuse programs, and those include purpose areas 4, 10 and 11.

While the addition of another purpose area would aid in raising the profile of this important issue, child abuse and neglect issues are funded under current Byrne purpose areas, as well as through other grant programs administered by BJA. Further, we have found other ways of raising the profile of important issues that may not be explicitly stated in purpose areas, but are clearly eligible for funding.

Some of our outreach activities have included a letter to State administrative agency directors from the Attorney General about the potential use of Byrne funds to meet State and local adjudicatory system needs. Another mechanism we have used to promote criminal justice programs is our national policy briefing series, which highlights promising practices and various criminal justice topics such as adjudication and youth violence prevention.

With regard to the amendment of the Closed-Circuit Televising of Child Victims of Abuse Grant Program, we are concerned that the proposed expanded usage of the funding would divert resources of a limited grant appropriation away from its intended purpose. Further, as I have stated, numerous funding mechanisms already exist to allow for the funding of such initiatives.

In conclusion, while there may be a benefit to adding a purpose area specifically for child abuse and neglect programs, the funding mechanisms to support such programs are already thoroughly provided for under current Byrne purpose areas and are being utilized by State administrative agency directors to fund child abuse and neglect programs.

Mr. Chairman, that concludes my prepared remarks, and I will be pleased to answer any questions that you or other members of the subcommittee may have. Thank you.

Mr. McCOLLUM. Thank you very much, Mr. Coleman.

[The prepared statement of Mr. Coleman follows:]

PREPARED STATEMENT OF PATRICK J. COLEMAN, DEPUTY DIRECTOR OF POLICY AND MANAGEMENT, BUREAU OF JUSTICE ASSISTANCE, U.S. DEPARTMENT OF JUSTICE

Mr. Chairman and Members of the Subcommittee: My name is Patrick Coleman and I am the Deputy Director of Policy and Management for the Bureau of Justice Assistance in the Office of Justice Programs (OJP) at the U.S. Department of Justice. I am pleased to appear today with my OJP colleague, Kathryn Turman. The Bureau of Justice Assistance works in partnership with the other bureaus and offices of OJP on issues relating to child abuse, as well as on the wide range of state and local criminal justice assistance.

Created by the Justice Assistance Act of 1984, the Bureau of Justice Assistance is mandated to support innovative programs to strengthen the nation's criminal justice system by helping state and local governments enhance their systems of prevention, apprehension, prosecution, adjudication, detention, and treatment of criminal offenders. BJA supports such initiatives through the administration of formula and discretionary grants to state and local jurisdictions as well as through training and

technical assistance initiatives. I am pleased to be here today to discuss the availability of BJA funding, in particular that of the Byrne Formula Grant Fund, for use in enforcing child abuse and neglect laws and programs designed to prevent child abuse and neglect.

The prevention and intervention of child abuse and neglect is a matter of great importance to the Bureau of Justice Assistance (BJA). It is the responsibility of our federal, state, and local justice systems to work together to ensure that communities have the capacity to identify populations that are potentially vulnerable to abuse, to implement measures that wherever possible can contribute to the prevention of such abuse, and in the disheartening, but all too frequent situations where it is required, to support the community's capacity to intervene in an abusive situation. Further it is essential that the capacity exists to intervene in a way that does not re-victimize the victims, while at the same time provides swift, sure, and just resolution to the case.

BJA has long supported, through funding, training, and technical assistance a wide variety of initiatives that seek to build community capacity to prevent and intervene in child abuse. Further, BJA continues to support efforts by law enforcement, juvenile justice, and corrections authorities, as well as other criminal justice and community-based organizations, to prevent and intervene in child abuse.

For example, BJA's Closed Circuit Televising (CCTV) of Children Who Are Victims of Abuse Grant Program allows eligible states and local units of government to obtain equipment and personnel training for closed-circuit televising and videotaping of the testimony of children in criminal child abuse proceedings. For FY 1999, \$1 million has been allocated for this program. The goals of this program are to demonstrate the effective and practical use of television and videotaping technology, to facilitate testimony of child witnesses for use in criminal proceedings; identify prototype programs; encourage the replication of effective programs using television and videotaping technologies in other jurisdictions; develop and provide training and technical assistance to facilitate the success and replication of programs; and assess the effectiveness of funded programs. The American Bar Association's Center on Children and the Law conducted an evaluation of the CCTV program, which demonstrated that states were successfully able to use BJA funds to implement the use of closed-circuit television and videotape equipment and/or provide training.

Under the CCTV program, BJA also funds the Virginia Department of Criminal Justice Services to provide training and technical assistance to grantees about child testimony techniques and related technologies, as well as to organize a national conference on the use of closed-circuit and videotaped testimony.

Another example of BJA's work in this area falls under the Local Law Enforcement Block Grants (LLEBG) Program. Under this program, states and units of local government are able to use funds for child abuse and neglect prevention programs. South Carolina, Virginia, and Washington are all using part of their LLEBG State and Local Training and Education Assistance Program funds, a total of \$171,000 combined, to provide basic and advanced training in child abuse investigation and prosecution. These are a few examples of how BJA has supported communities in building capacity to address child abuse.

The Edward Byrne Memorial State and Local Law Enforcement Assistance Program currently provides 26 broad legislatively created purpose areas that can be used at the discretion of state administrative agencies to fund crime and violence prevention and control programs. Currently under consideration is the possibility of creating a 27th purpose area to make it possible for states to use Byrne formula funds for "enforcing child abuse and neglect laws and programs designed to prevent child abuse and neglect." I think it important to consider at this point that there are already a number of purpose areas that can be and—in fact—are used to fund child abuse prevention and intervention programs.

For instance, purpose Area 18 states that Byrne funds may be used for "programs to improve criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse, and elder abuse." Under the Byrne Formula Program, several states are using their funding for child abuse-related programs. A prime example is South Carolina, which funded three agencies to find ways to improve law enforcement's response to child abuse and neglect. South Carolina's program goals included increased investigators' skills in child abuse investigation, increased coordination among agencies responsible for child welfare, increased successful prosecution and penalties, decreased child abuse homicides, and increased knowledge of law enforcement officers and other professionals who come into contact with children as well as the general public in recognizing signs of child abuse and reporting requirements. During FY 1997, over 1,200 individuals were investigated for allegations of abuse (this number includes elder abuse) and many of the victims

were taken out of violent situations and placed in protective custody. All funded investigators attended at least two courses to increase their skills; courses included Obscenity and Child Pornography, Investigative and Prosecutorial Issues, and Court Practices for Children.

In total, states used approximately \$790,000 of Byrne formula monies in FY 1996, \$675,000 in FY 1997, and \$153,000 in FY 1998 to fund child abuse and neglect-related programs under Purpose Area 18. During these fiscal years, 23 programs were funded that specifically focused on prosecution of child abuse offenders, child abuse investigations, and child abuse/sexual assault task forces.

States are also using other Byrne Formula Grant Purpose Areas to fund child abuse and neglect prevention and intervention programs: one prosecution program was funded under Purpose Area 16: "Innovative approaches to enforcement, prosecution, and adjudication of drug offenses and other serious crimes." One other program that established a child abuse/sexual assault task force was funded under Purpose Area 2: "Multijurisdictional task force programs to integrate federal, state, and local drug law enforcement agencies and prosecutors for the purpose of enhancing inter-agency coordination and intelligence and facilitating multijurisdictional investigations."

Other purpose areas which can be used to fund child abuse programs include:

4. Community and neighborhood programs to assist citizens in preventing and controlling crime, including special programs that address crimes committed against the elderly and special programs in rural jurisdictions.
10. Programs to improve the operational effectiveness of courts by expanding prosecutorial, defender and judicial resources and implementing court delay reduction programs. And
11. Programs to improve the corrections system and provide additional public correctional resources, including treatment in prisons and jails, intensive supervision programs, and long-range corrections and sentencing strategies.

While the addition of another purpose area would aid in raising the profile of this important issue, child abuse and neglect issues are funded under current Byrne purpose areas, as well as through other grant programs administered by BJA. Further, we have found other ways of raising the profile of important issues that may not be explicitly stated in purpose areas, but are clearly eligible for funding. Some of our outreach activities in the past include a letter to state administrative agency directors from the Attorney General about the potential use of Byrne funds to meet state and local adjudicatory system needs. Another mechanism we have used to promote criminal justice programs, is our National Policy Briefing series, which we have used to highlight promising practices in various criminal justice topics such as adjudication and violence prevention.

In conclusion, while there may be a benefit to adding a purpose area specifically for child abuse and neglect programs, the funding mechanisms to support such programs are already thoroughly provided for under current Byrne purpose areas. Furthermore, state administrators of Byrne Formula Grant funds have successfully used Byrne funds in the past for child abuse and neglect programs.

Mr. Chairman, that concludes my prepared remarks and I would be pleased to answer any questions you or other members of the Subcommittee may have. Thank you.

Mr. MCCOLLUM. Do I interpret your testimony to be opposing the expansion of—the specific designation in the Byrne grant program for the new purpose definition or just a comment that it isn't necessary?

Mr. COLEMAN. I would emphasize the importance of the issue overall, first of all, that this is something we care greatly about, that we work with the Office for Victims of Crime to emphasize the importance of, and that we have mechanisms to raise the profile of this issue. Essentially I would say that the addition of another purpose area isn't really necessary, it is already provided for within current purpose areas, and that there are other mechanisms to provide resources.

Mr. MCCOLLUM. But if we did go ahead with this, it is not going to do any harm. You are not going to oppose our doing it, you just don't think it is necessary; is that right?

Mr. COLEMAN. Because the determination of how to use these funds really rests with the States, as long as the broadly interpreted purpose areas aren't eliminated in favor of specific purpose areas like this, it won't make much difference to the State, because they still have the autonomy to make the decision of how to use the funds themselves.

Mr. MCCOLLUM. Okay. But you are concerned with the first—or actually the second section of this bill, that does apparently take some funding, in your judgment, that potentially could be redirected from where it perhaps otherwise would go. Is my interpretation correct of what you are saying?

Mr. COLEMAN. Correct. The closed-circuit televising of child abuse victims program is a fairly limited amount of funds. It has \$1 million provided for in fiscal year 1999 and approximately 14 awards have gone out to a number of different States. It is a pot of money that is already spread very thin for its intended purpose. To amend the appropriations so that it could be used for other purposes will spread that funding even further.

Mr. MCCOLLUM. Is there a need for the specific access to the criminal conviction information that is not currently being met, in your judgment, with regard to which is apparently the purpose of amending the law currently with regard to the closed-circuit television program is to allow funding to be available so that child protective workers and welfare workers can gain access to criminal conviction information and court orders regarding all of the matters related to child abuse, et cetera. Is there a need in your judgment for that?

Mr. COLEMAN. Well, having worked as a State and local criminal justice professional and worked with child protective professionals and child welfare professionals, I am certain there is a need out there that we are not meeting 100 percent 100 percent of the time. My concern is to use this mechanism to meet that need will draw away from another need that has been voiced very clearly to us that is needed, which is the provision of resources and training for closed-circuit televising in child abuse victim's testimony.

So it is not that there isn't probably a need there that isn't being met or could be met in some way, the concern is to meet it in this way will draw away from something else.

Mr. MCCOLLUM. So if we created another pot of money for this purpose, you wouldn't have the same objection?

Mr. COLEMAN. Correct.

Mr. MCCOLLUM. Ms. Turman, similarly there are questions with regard to the earmark in the victims of crimes statute already with regard to the child and domestic abuse cases. There is a \$10 million earmark now. This bill, as you know, would double that. Some have expressed a concern to us that any earmark in that area is inappropriate because it takes away from the general pot, and now we are doubling it. Do you have an opinion or a comment or a viewpoint about that?

Ms. TURMAN. The Department hasn't really taken a position on this. I will say, however, that we believe that the States are probably in the best position to decide how they want to spend their VOCA money, and that is very important that they are able to coordinate that money within the State.

Mr. MCCOLLUM. But I know the victims fund has grown, according to the notes I have here, from about 77 million to 362 million, and that the earmark has remained the same during the time, the 10 million. So that would indicate if we are going to earmark something, if we are going to have it earmarked at all, that it is probably a good idea to increase the amount of money that is there, but you are suggesting that flexibility, maximal flexibility for the States is the preferable thing to do.

So, again, I have to interpret here, but I am interpreting your remarks as saying you are not really appearing to oppose the earmark, you really don't think earmarks generally are a good idea. That is kind of how I am reading it.

Ms. TURMAN. I think so. And I believe OVC and the rest of the Office of Justice Programs in the Department is very committed to the idea of improving the response to child victims and services for child victims both within the criminal justice system and the civil system. I think that looking at CJA without looking at the rest of the VOCA money is a mistake, because there is so many different uses that are required, and that there has been such a large increase in the amount of other VOCA money going toward child victims, 76 million last year.

Mr. MCCOLLUM. Thank you.

Mr. Scott, you are recognized for 5 minutes.

Mr. SCOTT. Thank you, Mr. Chairman.

Ms. Turman, I notice you indicated that Crime Victims Funds were being used. Was that the Federal and/or the State Crime Victims Funds that you had referred to?

Ms. TURMAN. I was referring to the Federal fund, the Victims of Crime Act Fund, which is made up of fines and assessments paid by convicted defendants in Federal court. That is the money that the Office for Victims of Crime administers, 90 percent of which goes to the States for their programs.

Mr. SCOTT. For programs?

Ms. TURMAN. In two funding streams; one is the formula grant to fund victim assistance programs like rape crisis centers, children's advocacy centers, homicide support groups. The other stream is a matching grant for compensation, and it is 40 percent match of whatever the State paid out 2 years previously in their own crime victims compensation fund.

Mr. SCOTT. Does the Federal Government have a crime victim's compensation?

Ms. TURMAN. Federal crime victims are eligible for victims compensation through their State programs, and that normally works fairly well. We found some problems recently with terrorism cases that occur abroad.

Mr. SCOTT. But a Federal crime victim would apply to this State fund for compensation?

Ms. TURMAN. Yes.

Mr. SCOTT. Mr. Coleman, do you follow the number of State prosecutions? I understand there are almost a million reports of child abuse, and only a small portion of those were investigated to any significant amount, and even a smaller portion of those were prosecuted. Do you follow the cases closely enough to see if enough cases are being prosecuted?

Mr. COLEMAN. No, I am afraid we don't have information and carry information on that.

Mr. SCOTT. I think you indicated that some of the money is used for a multijurisdictional task force?

Mr. COLEMAN. Right. There is one State that is using purpose area 2 that creates a multijurisdictional task force that is looking at I believe it is child sexual assault.

Mr. SCOTT. Is that because there is some multijurisdictional crime wave or because the information can be shared amongst the jurisdictions so that each jurisdiction doesn't have to reinvent the wheel as to how they deal with it?

Mr. COLEMAN. I believe the latter.

Mr. SCOTT. Back to a question I think the chairman asked about the set-aside. What programs would be diminished if we spend more money on child abuse prevention?

Mr. COLEMAN. Which set-aside are you referring to, the closed-circuit television, I am sorry, or—

Mr. SCOTT. There is a provision in the bill that a certain amount of money would be set aside for child abuse. Did I misread the provisions of the bill?

Mr. COLEMAN. Okay.

Mr. SCOTT. If we did not spend more money on—if we spent more money on child abuse, what would we be spending less money on?

Mr. COLEMAN. I would refer—I will answer in reference to the closed-circuit television fund, and then I would defer to Ms. Turman to respond to the VOCA funds.

Currently, there are approximately—I can't give you an exact amount. There are approximately 14 grants nationwide that go to the purchase of closed-circuit televising videotape equipment, the training and technical assistance in prosecutors and victim witness advocates on how to use that equipment, how to implement it—is it admissible in court? How to present child victim witness testimony without victimizing the child? And those awards would all be—funding would be drawn away from it.

Mr. SCOTT. Let me ask you a question about that particular point, how to get testimony out of a child without victimizing the child. How successful are those programs?

Mr. COLEMAN. The program is fairly early in its implementation, and we don't have either a negative or a positive response. We have a process implementation evaluation which says that we have successfully implemented it. States and localities are using it. It is up and running, but we haven't got a lot of qualitative input. I don't know if Ms. Turman has a response.

Ms. TURMAN. I think there have been some studies, and they are certainly anecdotal evidence. I, myself, ran a crime victims program in the U.S. Attorney's Office and in the District of Columbia and dealt with hundreds and hundreds of child victims. We were the first Federal agency to hire child interview specialists who are trained, licensed clinicians who are experts in child and language development of children, and I think providing developmentally appropriate, victim-sensitive services and training, and for law enforcement and prosecutors and others who are dealing with children in the criminal justice system, it makes a huge difference not

only in the effectiveness of the case, but also in preventing further retraumatization of the child.

Mr. SCOTT. And you have the methodology for this on the Federal level that can be disseminated?

Ms. TURMAN. Well, there have been a few studies. I think one was funded by the Justice Department. We can get that information to you about some of the few studies that have been done.

Mr. SCOTT. I think I am more interested in getting it in the States and the local prosecutors. Is there a dissemination process?

Ms. TURMAN. Yes, yes. And as a matter of fact, as part of the Deputy Attorney General's Children Exposed to Violence Initiative, we are producing a monograph and a video of best practices for the criminal justice and a bulletin that will list all the resources, federally-supported resources for training and technical assistance and other things.

Mr. SCOTT. Thank you, Mr. Chairman.

Mr. MCCOLLUM. Thank you, Mr. Scott.

Ms. Jackson Lee, you are recognized for 5 minutes.

Ms. JACKSON LEE. Thank you, Mr. Chairman. And I ask that my statement that I prepared for this hearing—I would ask unanimous consent to have it submitted into the record.

Mr. MCCOLLUM. Without objection, so ordered.

[The prepared statement of Representative Jackson Lee follows:]

PREPARED STATEMENT OF HON. SHEILA JACKSON LEE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF TEXAS

Thank you, Mr. Chairman. We are here to discuss the "Child Abuse Prevention and Enforcement Act of 1999." This bill expands the grant authority for services related to child abuse and neglect cases. When children are victimized by abuse, neglect, substance abuse or domestic violence, the physical and emotional scars can last a lifetime.

It should be a national priority to strengthen family supports to keep children safe, to prevent problems before they occur, and to resolve problems before they become a crisis. All children should be raised in a safe and nurturing environment.

The statistics on child abuse are disturbing and tragic. According to a report released this year by the U.S. Department of Health and Human Services, there were nearly one million documented cases of child abuse and neglect in 1997. In 1994, 80% of the child welfare cases involved allegations of abuse or neglect, compared with 45% in 1977.

The children who enter the child welfare system today come with more acute problems. An estimated 40 to 80 percent of the families have problems with substance and alcohol abuse. Many children are believed to be victims of or witnesses of domestic violence.

Of the close to three million children who are reported abused or neglected, 52 percent suffered neglect, 24 percent suffered physical abuse, 12 percent suffered sexual abuse, 6 percent suffered emotional maltreatment and three percent suffered from medical neglect. Almost 40 percent of the children were under the age of six.

Substance abuse, poverty and economic strains on the family are the most commonly cited problems exhibited by the families in which abuse is present. Domestic abuse and lack of parenting skills are also cited as factors.

This bill addresses the problem of child abuse by allowing state and local officials increased flexibility with respect to how it invests law enforcement grants in the area of child abuse prevention.

Local law enforcement receive increased flexibility in how grants for child abuse victims are invested, specifically by providing access to criminal conviction records by child protective and child welfare workers. Police could use this information to establish the validity of urgent complaints concerning children who may have been kidnapped by an abusive ex-spouse.

I support this legislation because I believe that we must enhance the services that are available to children in the abuse and neglect system. This legislation has a broad range of support and I am happy to lend my support to it as well. Thank you.

Ms. JACKSON LEE. Thank you, Mr. Chairman.

This is obviously a very important hearing for all of us and an important topic, making note of the fact that the HHS has determined that there are a million cases, documented cases, of child abuse in 1997. And I believe the word "documented" was used for a purpose, which means how many others we do not know of. So I appreciate the presence of the witnesses both for what you do with regard to victims, and, of course, the work dealing with neglected and abused children.

Mr. Coleman, could you tell me some of the values of the bill, and it inherits a great deal of merit; how we can handle some of these concerns without the set-asides or the targeting of the monies? Taking into consideration your comments of stretching the dollars, how would you offer to supplement, substitute, or provide answers to the concerns that this legislation raises?

Mr. COLEMAN. Well, to give you the pat response that we always get from State and local folks is you can always add more money. But that aside, there are important creative ways of going about trying to encourage State and local authorities to use funds for different purposes than perhaps they traditionally used them for.

I made a reference in my statement to using criminal justice policy briefings, using special letters to encourage—encourage State administrators to look at those very folks that are coming to us and saying, this is a priority, we need funding for this purpose, to look at how you can use funding that exists under Byrne, under local law enforcement, where you have the autonomy and the choice of how to use those funds, how to seed things, how to fund new initiatives that you can combine and blend the efforts of a multitude of agencies.

And in our mechanisms for doing that, we have enormous training and technical assistance capabilities that we can make available, generalists to train technical assistants that we can make available to jurisdictions that have an open question: How do we do this; how do we take care of our child abuse programs and neglect problems; how do we train interviewers; how do we train prosecutors; how do we train law enforcement officers? We can bring to bear resources that we have that are flexible to do that.

In addition, to that, we can encourage the—well, I guess I have already referred to encouraging the State administrative agencies.

Ms. JACKSON LEE. In essence more flexibility within the State determination of how they focus the dollars?

Mr. COLEMAN. Correct.

Ms. JACKSON LEE. I funded an organization in this Congress called the Congressional Children's Caucus comprised of Members who are concerned with children's interests, so one of the issues that we are looking at certainly in the backdrop of some events of the past years is mental health resources for children. In those monies is there a flexibility for States to use those monies for abused children who may need counseling or mental health services. Is there flexibility already existing in that?

Mr. COLEMAN. Absolutely. Absolutely.

Ms. JACKSON LEE. With that, Mr. Chairman, I have no other questions. Thank you very much, and I yield back.

Mr. MCCOLLUM. Thank you very much.

I want to thank both the witnesses today. You have made valuable contributions to us. Thank you, Mr. Coleman and Ms. Turman.

Before I introduce the next panel, I want to acknowledge the presence of the author of this bill, Congresswoman Deborah Pryce. If you would like to join us, I understand you would like to make some introductory comment to one of our witnesses, so, please, we will find a place up here for you, if you would like.

I would like to introduce the next panel at this time. Our first witness on this panel is Deborah Sendek, director of the Center for Child Abuse Prevention at the Children's Hospital in Columbus, Ohio, and I know that Ms. Pryce must be familiar with it. The center provides primary child abuse prevention services for the central Ohio area and serves as a statewide information and referral network for professionals, parents and concerned citizens requesting information on child abuse prevention.

She also directs the family support program at the hospital, which offers individual, family and group psychotherapeutic services for child and adolescent victims of sexual abuse as well as services for sexually aggressive children and adolescents.

Ms. Sendek has over 20 years of experience working with children and their families and has trained hundreds of professionals, parents and community leaders in the areas of child abuse prevention and sexual abuse related to injuries, positive parenting strategies in child development behavior. She holds undergraduate and graduate degrees from West Virginia University and has done post-graduate work at The Ohio State University.

Lynn Jones is a major in the Tulsa, Oklahoma, Police Department, where she has served for over 27 years. She is also a member of the board of directors of the National Committee to Prevent Child Abuse and advisory board of the Child Abuse Network. She has received numerous awards for her service to the Department and to her community, including being named officer of the year by her department and Tulsa volunteer of the year in 1984.

She holds a bachelor's degree in political science and a master's degree in education, both at the University of Tulsa.

John Stein is the deputy director of the National Organization for Victim Assistance, and like all of the staff members, Mr. Stein is a trained crisis counselor and victim advocate. He serves on the rotating list of volunteers who answers nighttime and weekend calls to NOVA's 1-800 number and serves in a volunteer crisis response team. He served as coordinator of a team that arrived in Oklahoma City the day its Federal office building was bombed.

He has special interests in victim service, which began in 1970 when he helped train an experimental team of community service officers in the Dayton, Ohio, Police Department.

In the late 1970's, he served as Deputy Director of the Criminal Justice and Elderly Project to the National Council of Senior Citizens, where he helped design service programs for elderly people. And in 1994, Mr. Stein was honored for his outstanding service on behalf of victims of crime by President Clinton and Attorney General Reno at a White House ceremony.

He holds a bachelor's degree from Yale College and a law degree from George Washington University Law School.

And our final witness on this panel is Robert Horowitz, who served as the Associate Director of the American Bar Association's Center on Children and Law since 1978 and is currently the Acting Director of the ABA Steering Committee on the Unmet Legal Needs of Children. He has directed numerous projects aimed at improving the legal and judicial systems' handling of child abuse, neglect, child support, adoption and other matters affecting children and their families.

He is author of over 30 books, manuals and articles on the topics, including the 1984 book *Legal Rights of Children* and the first bench book for judges on child abuse.

Ms. Pryce, I understood you wanted to have a special welcome. And I would yield to you for that purpose.

Ms. PRYCE. Thank you, Mr. Chairman. I just first want to take this opportunity to thank you and the committee for holding this hearing in such a timely manner. It is a great service to all of us and to the country and to the abused children all over the United States. And I want to give my personal welcome to Deb Sendek, who is one of my personal unsung heroes from my district back home in Columbus, Ohio. Welcome, Deb.

And I think that I am looking forward to hearing as much of the testimony of this panel as possible. Thank you very much for your gracious invitation to be able to be with you.

Mr. MCCOLLUM. You are welcome, and thank you for writing this bill.

With that in mind, all the statements of the panel will be introduced in their entirety, without objection, into the record. I hear no objection, and so ordered. So we may—each of you may summarize.

Mr. MCCOLLUM. And I will start with you, Ms. Sendek, if you would, please. You are recognized.

STATEMENT OF DEBORAH SENDEK, DIRECTOR, CENTER FOR CHILD ABUSE PREVENTION, CHILDREN'S HOSPITAL, COLUMBUS, OH

Ms. SENDEK. Good morning, Mr. Chairman and Members of the House Judiciary Subcommittee on Crime. I would like to thank you, the committee, for holding this hearing on this important issue of child abuse. I also would like to thank my representative, the Honorable Deborah Pryce, for her leadership and recognition of the need for marshalling existing resources for the safety and well-being of our children.

My name is Deborah Sendek, and I am the director of the Center for Child Abuse Prevention at Children's Hospital. I have been employed by Children's Hospital for over 18 years; 14 of those years were spent doing direct clinical service with child sexual abuse victims, their nonoffending parents and with adolescent sex offenders.

The Center for Child Abuse Prevention is proud to be the Ohio chapter for Prevent Child Abuse America, which is the leading national organization working at the local, State and national level to prevent child abuse and neglect in all of its forms.

As the Members of the House acknowledged in April, by passing the Child Abuse Prevention Month resolution, more than 3 million children are reported as abused or neglected in the United States every year. On average, three children die each day. In 1997, over

90,000 cases of child abuse or neglect were reported. Each of those cases had a name, and each name and face was a child.

When I was charged in 1995 with the responsibility of the State chapter, my focus transitioned at Children's Hospital from clinical service to developing a statewide child abuse prevention program and system for the State of Ohio. In my work with Children's Hospital and my association with Prevent Child Abuse, I have had firsthand experience with the critical need for collaboration among professionals involved in all child abuse cases. That is why I am very pleased to be here today, that this hearing has been convened and that I have been asked to testify.

My testimony will focus on two aspects of H.R. 764, the Child Abuse Prevention and Enforcement Act. The first aspect is the need to increase the earmark in the Crime Victims Fund for child abuse victims. The second is allowing existing grant funds to be used by States to help provide child protective service workers and law enforcement personnel the means to assess and communicate whether a child is at risk for harm.

Research studies and anecdotal information show a connection between child abuse and neglect and later delinquent behavior. What is more, there is an observed link between child abuse and neglect and adult criminal behavior. Another connection between child abuse and neglect and crime, comes not from criminal activity, but from the crimes committed against children. While the incidences of serious crimes have dropped drastically, the occurrences of child maltreatment have grown.

Adequate funding is critical in the crusade against child abuse and neglect. I strongly urge you to double the Children's Justice Act cap from \$10- to \$20 million. These funds are put to very, very good use by States in a number of different ways, including the establishment of child death review teams, which allows a community to examine each child fatality and find out whether or not abuse or neglect was the cause; creation and training for multi-disciplinary child protection teams, which will minimize the number of times that the child will have to be interviewed; and also the creation of regional child abuse and neglect diagnostic centers, which gives children the opportunity for specialized medical and mental health services.

The Children's Justice Act also supports the training of professionals in related fields. For instance, physicians can receive specialized training in how to do medical examinations on children, and then how to testify about their findings. It also gives the opportunity for law students to receive information and training in child development, in children's unique needs that are relevant in a courtroom, to make the court more child-friendly and family-friendly for children who do need to testify.

The third way is for training of clinical psychologists so that they are aware of victim trauma impact and can have appropriate ways to do effective interventions. Without this specialized instruction, physicians may miss injuries, the legal system will not be able to be child-friendly and to work with victims of crime, and children will not receive the treatment necessary to fully recover from their trauma.

In Ohio, our funds are directed toward system reform efforts. Children and families have been very, very frustrated with the way our system operates. One area that we are focusing on in Ohio is a court improvement system by developing a family court model and court mediation programs. Currently a family may be involved in a court as many as three different courts in different court jurisdictions. The benefit of the family court model is that it unifies a single case, either by a single data technology system or by the use of a special judge or magistrate who moves with that case through the system. Training for multidisciplinary teams to investigate and prosecute child abuse is also occurring in Ohio with the dollars from the Children's Justice Act.

Funding is necessary for this work to continue. System reform takes time. The Victims of Crime Fund has more than quadrupled, rising from \$77 million in 1987 to 324 million in 1998, while the Children's Justice Act earmark has stayed constant. However, the good news is as more States comply in order to bring down the Children's Justice Act money, the bad news is that the States are getting less money. An example is in Ohio in 1990, we received approximately \$600,000 from the Children's Justice Act. In 1998, we received just over \$320,000. In 1999, we have received a little under \$280,000. So you can see the decrease.

As more children enter the system and the cost of services are increasing, States are forced to work with fewer resources. Without an increase to the cap to \$20 million, we, that is all of us working in this field to prevent child maltreatment, will continue to work in isolation. We can potentially revictimize the children, and we will fail to bring about system change.

With the many agencies and organizations involved in addressing child abuse and neglect, access to information such as criminal conviction records, visitation and State orders is critical. In many cases, the handling of child abuse or neglect reports could have been better facilitated had a system for exchanging information been in place.

An example is in Ohio, because of a court being unaware of a previous sexual offense conviction against a father, this father was given custody of his child. He then proceeded to revictimize her and another child. The question has to be asked, did we as a system also revictimize that child? The CAPE Act will give the child protective service workers, law enforcement officers and court employees timely access to all case-relevant information so that this will never, ever happen to another child.

Several Ohio counties are also utilizing a one-stop approach to child abuse which brings together a multidisciplinary team of professionals in a coordinated effort to investigate, prosecute and treat child abuse. This approach is one method of ensuring that relevant records are available to all who need them. In a child-friendly environment, victims tell the story of their abuse one time and avoid the trauma of reliving that story over and over again. Our team members then meet to review all of the records and make recommendations for the best interests of the child.

In closing, I would like to reiterate my support for increasing the cap for the Children's Justice Act funds from 10- to \$20 million so that States can continue efforts toward system reform. Further-

more, I strongly encourage greater processes and procedures to facilitate information sharing among professionals working to prevent child abuse.

Again, thank you for this opportunity to speak to you today, and I would entertain any questions.

Mr. MCCOLLUM. Thank you. Thank you very much Ms. Sendek. [The prepared statement of Ms. Sendek follows:]

PREPARED STATEMENT OF DEBORAH SENDEK, DIRECTOR, CENTER FOR CHILD ABUSE PREVENTION, CHILDREN'S HOSPITAL, COLUMBUS, OH

Good morning Mr. Chairman and members of the House Judiciary Subcommittee on Crime. I would like to thank the committee for holding this hearing on the important issue of child abuse. I would also like to thank my Representative, the Honorable Deborah Pryce, for her leadership and recognition of the need for marshalling existing resources for the safety and well being of our children.

My name is Deborah Sendek, and I am the director of the Center for Child Abuse Prevention at Children's Hospital in Columbus, Ohio. I have been employed by Children's Hospital for the past 18 years. Fourteen of those years were spent providing therapeutic intervention to child sexual abuse victims, their non-offending parents and adolescent sex offenders. Our center is honored to be the Ohio chapter for Prevent Child Abuse America, the leading organization working at local, state, and national levels to prevent child abuse and neglect in any form.

Charged in 1995 with the responsibility of state chapter, my focus transitioned from clinical service to developing a statewide child abuse prevention presence and system. In my work at Children's Hospital and my association with Prevent Child Abuse America, I have experienced first hand the critical need for collaboration among professionals in law enforcement, child protective services, and child abuse prevention. That is why I am pleased that this hearing has been convened and that I have been asked to testify. My testimony today will focus on two aspects of H.R. 764, the Child Abuse Prevention and Enforcement Act. The first aspect is the need to increase the earmark in the Crime Victims Fund for child abuse victims and the second is to allow existing grant funds to be used by states to help provide child protective services workers and law enforcement the means to assess whether a child is at risk for harm.

As the members of the House acknowledged in April, by passing the Child Abuse Prevention Month Resolution, more than 3 million children are reported as abused or neglected in the United States every year. On average, three children die each day. In 1997 in Ohio, over 90 thousand cases of child abuse or neglect were reported. Each of those cases had a name and a face. Each name and face was a child.

Studies show that children who have been neglected or abused are 67 times more likely to be arrested between the ages of 9 and 12 than other children. There is indeed a connection between child abuse and neglect and later delinquent behavior. What's more, there is an observed link between child abuse and neglect and adult criminal behavior. Women and men in the nation's prisons and jails report a higher level of abuse than the general population. In fact, more than one-third of female state prison and jail inmates say they have suffered abuse or neglect as children. About 14 percent of male inmates make similar statements.

A successful, early intervention program of comprehensive services will spare the anguish suffered by many of our children, as well as, save taxpayer dollars. It costs Americans more than 400 thousand dollars per child for out-of-home placement, and law enforcement and incarceration expenses. This figure is based on the difference between the 471 thousand dollars spent for a typical youth offender between the ages of 9 and 12, and the 40 thousand-dollar cost for five years of intensive intervention with one at risk family.

Another connection between child abuse and neglect and crime comes not from criminal activities by the abused or neglected, but from the crimes committed against children. While the incidences of serious crimes dropped drastically between 1991 and 1996, the occurrences of child maltreatment grew nearly 18 percent!

Adequate funding is critical in the crusade against child abuse and neglect. I strongly urge you to double the Children's Justice Act cap from 10 million to 20 million dollars. These funds are put to good use by states in a number of different ways, including establishment of child death review teams, creation and training for multidisciplinary child protection teams, and the creation of regional child abuse and neglect diagnostic centers.

The Children's Justice Act also supports the training of professionals in related disciplines. For instance, physicians are trained to perform and testify about child abuse medical examinations. Law students receive training in effective legal representation of abused and neglected children, and clinical psychologists are trained in victim trauma treatment. Without this specialized instruction, physicians may miss injuries, the legal system will not be sensitive to children's unique needs in the courtroom, and children will not fully recover from their trauma.

In Ohio, the funds are directed toward system reform efforts. We are focusing on court improvement by developing a family court model, court mediation programs, and training for multi-disciplinary teams to investigate and prosecute child abuse cases. Currently, a single-family case may be open in as many as three different court jurisdictions. The benefit of the family court model is that it unifies the case either by a single data technology system or by the use of a special judge or magistrate who moves with that case through the respective courts.

The Victims of Crime fund has more than quadrupled rising from 77 million dollars in 1987 to 324 million in 1998 while the Children's Justice Act's earmark has stayed constant. However, as more states comply with federal guidelines, the Children's Justice Act funds are being divided into smaller and smaller portions. Ohio received approximately 600 thousand dollars in 1990, but by 1998 we received just over 320 thousand dollars. The funding for 1999 has been further reduced to 280 thousand dollars. As more children enter the system and costs of services are increasing, states are forced to work with less resources.

Without an increase of the cap to 20 million dollars, we, that is, all of us working to prevent child maltreatment, will continue to work in isolation, potentially revictimize children, and fail to bring about systems change.

With the many agencies and organizations involved in addressing child abuse and neglect, access to information such as criminal conviction records, visitation, and stay-away orders is crucial. In many cases, the handling of child abuse or neglect reports could have been better facilitated had a system for exchanging information been in place.

In Ohio, because a court was unaware of a father's previous conviction, a school-aged child, whom he sexually abused, was returned to his custody. Tragically, the father revictimized this young girl and another child because of a lack of information sharing between counties. The question must be asked: Was this child also revictimized by our system? The CAPE Act will give child protective service workers, law enforcement officers and court employees timely access to all case-relevant records so this never has to happen to another child.

Several Ohio counties are utilizing a one-stop approach to child abuse, bringing together a multidisciplinary team of professionals in a coordinated effort to investigate, prosecute and treat child abuse. This approach is one method of ensuring that relevant records are available to those who need them. In a child-friendly environment, victims tell the story of their abuse one time for the team and avoid the trauma of reliving painful experiences in multiple interviews. Our team members then meet to review all the case data and make recommendations that are in the best interests of the child.

In closing, I want to re-iterate my support for increasing the cap for the Children's Justice Act funds from 10 to 20 million dollars, so that states can continue their efforts toward system reform. Furthermore, I strongly encourage creating processes and procedures to facilitate information sharing among professionals working to prevent further victimization of children.

Again, thank you for the opportunity to speak on behalf of children regarding H.R. 764.

Mr. McCOLLUM. Major Jones, you are recognized.

**STATEMENT OF LYNN JONES, MAJOR, TULSA POLICE
DEPARTMENT, TULSA, OK**

Ms. JONES. Good morning, Mr. Chairman, and members of the House Judiciary Subcommittee on Crime. For the record, I need to—

Mr. McCOLLUM. We do need you to use the mike, if you don't mind, just right there. We didn't have one right in front of you. Either one will do.

Ms. JONES. I would like to express my appreciation for this hearing, Mr. Chairman, and to the committee's attention to H.R. 764,

the Child Abuse Prevention and Enforcement Act aimed at improving the protections of children and the prevention of child abuse and neglect.

My name is Lynn Jones. I am a major with the Tulsa Police Department. I served in this capacity for 27 years and can speak firsthand about the critical link between child abuse and later criminal behavior and how to provide local officials with increased flexibilities in how they allocate the Byrne law enforcement grants in the area of child abuse.

My experience also enables me to speak to you about the need to double the amount earmarked for the Crime Victims Fund for victims of child abuse, which would fund activities such as child protective workers, multidisciplinary teams, and support for court-appointed special advocates.

Finally, I would like to say a few words about the need for increased access to criminal conviction records and specific court records by law enforcement and child protective service workers to help them determine whether a child may be at risk of harm.

I also speak to you today as a national board member of Prevent Child Abuse America. Prevent Child Abuse America is the only national organization dedicated to preventing child abuse in all of its forms at the local, State and national levels. As a board member, I have been able to gain a national perspective on child abuse activity across the country, and hopefully my expertise has not been limited to this organization.

The link between child abuse and later criminal behavior is strong. Funding programs designed to prevent child abuse will encourage continued collaboration between law enforcement and the child abuse prevention field. I believe that the committee is already aware of the statistics that demonstrate this high correlation.

So rather than read these numbers, I will ask you to refer to my written testimony. But first after turning around these alarming statistics is to recognize that child abuse prevention services will help lower the cost to society and address individual needs before they become criminal justice issues.

Enabling the Byrne law enforcement grants to fund programs designed to prevent child abuse and to connect families with their community resources is critical. That is just the beginning. Many of our Nation's communities will not, and in some cases cannot, allocate these existing resources without specific legislative language.

In Tulsa, we have been fortunate in that we have already been able to use these funds to prevent child abuse. We chose to address the growing population of mothers in prison and their special needs. Oklahoma has one of the highest levels of female incarcerations in the United States. Each of these women have an average of 2.7 children.

Once incarcerated, their children generally go to family caretakers. As these women get close to finishing their sentences, they are eligible to receive services provided by the Tulsa Parenting Partnership, which provides them with parent education and general life-skill training. It also links them to community resources once they are released.

During this time, the program reunites these women and their children each week to enable them to practice and model new tech-

niques and knowledge base. Many of these mothers report that this allows them to reestablish the parent-child bond.

We have found this program to be extremely popular among the female inmates. In fact, we are refusing services to women and children because we do not have enough funding to provide the services that they so desperately need. The Tulsa Parenting Partnership has been recognized by the Bureau of Justice Assistance as one of the 20 best practices in the country.

I would like to submit the following documents for public record. These supporting materials provide additional information on this program and two other programs that I will mention later.¹

Personally, I have witnessed multiple generations of families coming into contact with the law. I would like to tell you about one of these families. This family has a well-documented history of substance abuse, domestic violence, and child mistreatment.

Over the years this father and mother's eight children have been incarcerated for just about every major criminal offense. In fact, a number of these men in this family are now on death row in various penal institutions. The grandchildren of this couple have become involved in a familiar crime spree that would just take your breath away.

With each passing generation, the family members increase, criminal behavior continues, and the arrest numbers become larger. This is just one of many families with long criminal history behavior.

Every community has them and any law enforcement officer of long standing in that community can give you their names. If we help to prevent the mistreatment of children as they grow and develop, we can help make a positive impact on the outcomes of their lives and the lives of those around them.

Police officers are recognizing the central role that we play in preventing the revictimization of children and families who have witnessed or suffered violence or neglect. For many of us it has become a crusade. We are the first to see the immediate effects of abuse and the later criminal behavior.

As a result, law enforcement officers have become partners in public-private prevention initiatives across the country.

Next I would like to address the increased access to criminal records and court orders by those of us involved in the day-to-day assessment of determining whether a child is at risk of serious harm. In many cases, multiple agencies have a count of a particular family. If a child protective services worker does not have access to just one piece of critical information, including a past criminal conviction or a stay away order, he or she will not be able to determine whether the child faces additional harm or mistreatment at the hands of his or her care giver.

The ability to access records in a timely fashion on behalf of a child could mean the difference between a child's safety, further abuse, or possible death. Currently, Oklahoma is one of the few States that has the ability to share records, providing the confidentiality agreement is in place.

¹ Materials on file in the Subcommittee on Crime files.

To this end, my chief has convened a youth development alliance coalition which is designed to facilitate record sharing between private and public data bases and will allow our investigators and assessment workers the ability to effectively assess and manage the safety of Oklahoma's children.

This will also strive to keep children from entering a system by being able to identify those families most at risk.

Finally, I would like to address why doubling the amount earmarked under the current Victims Fund from 10 to 20 million for the Victims of Child Abuse is needed. In Tulsa, funds like these allow our police officers to participate in multidisciplinary teams which brings together various professionals to review and make recommendations about whether a child has been abused or at risk of further harm.

The district attorney for our county on behalf of the child abuse network recently reported that the Tulsa multidisciplinary team, one, provided more accurate investigations that proved less traumatizing for children and families clearing arrests about 74 percent; number two, provided immediate medical evaluation. Over 1,000 of these were performed in 1988.

Number three, made better decisions about case directions. Nearly 3,000 children's cases were previewed by this team in 1998; finally, four, prosecuted more cases with confession rates having increased by 73 percent. I am sure there are findings locally that could have broad implications for the effectiveness of cross-training and the creation of these multidisciplinary teams across the country. The passage of the CAPE Act is, without a doubt, a win/win strategy.

The biggest winners are our children, whose safety and health we strive to ensure. The next winners are the public because by preventing future criminality we also prevent future victimization.

Police officers win because they improve their ability to assist in identifying and providing solutions to the problems; and finally you, the members of the subcommittee in Congress, win for having the foresight to address these issues with system reform and the wisdom to listen to the most up-to-date Government-sponsored research findings.

Thank you for the opportunity to talk today. I am honored to be a voice for my profession, for the people of Oklahoma, and for all of our children. My hope is that you have heard me.

Mr. McCOLLUM. Thank you very much, Major Jones. We certainly have heard you.

[The prepared statement of Ms. Jones follows:]

PREPARED STATEMENT OF LYNN JONES, MAJOR, TULSA POLICE DEPARTMENT, TULSA, OK

Good morning Mr. Chairman and the members of the House Judiciary Subcommittee on Crime. I would like to express my appreciation for this hearing Mr. Chairman, and to the Committee's attention to H.R. 764, the Child Abuse Prevention and Enforcement Act (CAPE Act), aimed at improving the protection of children and the prevention of child abuse and neglect.

My name is Lynn Jones and I am a Major with the Tulsa Police Department in Oklahoma. I have served in this capacity for 27 years, and can speak first hand about the critical link between child abuse and later criminal behavior, and for the need to provide local communities with increased flexibility in how it invests Bryne law enforcement grants in the area of child abuse.

My experience also enables me to speak to you about the need to double the amount earmarked under the Crime Victims Fund for victims of child abuse, which would fund such activities as training for child protective workers, multi-disciplinary team, and support for court-appointed advocates. Finally, I would like to say a few words about the need for increased access to criminal conviction records and specific court orders by law enforcement and child protective services workers to help them determine whether a child may be at risk of harm.

I also speak to you today as a national Board member of Prevent Child Abuse America. Prevent Child Abuse America is the only national organization dedicated to preventing child abuse in all its forms on the local, state, and national levels. As a Board member, I have been able to gain a national perspective on prevention activity across the country and lend my expertise to its efforts.

The link between child maltreatment and later criminal behavior is strong. Funding programs designed to prevent child abuse will encourage continued collaboration between law enforcement and the child abuse prevention field. I believe the Committee is already aware of the alarming statistics that demonstrate this high correlation, but I would like to highlight some of the most recent findings to emphasize the need to include child abuse prevention as an allowable expenditure under the Byrne grant.

In 1997, there were 61,709 cases of reported child abuse and neglect in Oklahoma alone. The number of confirmed cases, that same year was 16,710. The National Institute of Justice reports that child abuse increases the odds of future delinquency and adult criminality by more than 40 percent.

The number of possible future arrests due to child maltreatment is also staggering. The Office of Juvenile Justice and Delinquency Prevention reports that adolescents who have been the victims of child abuse are more likely to report involvement in youth violence. In Oklahoma, youths accounted for about one fifth (20.396) of all arrests for all crimes in 1997.

The National Institute of Justice reports that 68% of incarcerated adult Male felons reported some form of child abuse and neglect before the age of 12. In a 40-year perspective of abused and neglected children, half were convicted of serious crimes, alcoholic, mentally ill or died at an early age. Each of these aforementioned conditions has grave impact on our society in terms of services and direct costs.

The first step to turning this around is to recognize that child abuse prevention services will help to lower costs to society and address individual needs before they become criminal justice issues. Enabling the Byrne law enforcement grants to fund programs designed to prevent child abuse and to connect children and families with community resources is critical, though just a beginning.

Many of our nation's communities will not and in some cases cannot allocate these existing resources without specific legislative language. In Tulsa, we have been fortunate in that we have already been able to use these funds to prevent child abuse.

We chose to address the growing population of mothers in prison and their special needs. Oklahoma has one of the highest, levels of female incarceration in the United States. Each of these women has an average of 2.7 children. Once incarcerated, their children generally go to family caretakers. As these women get close to finishing their sentences they are eligible to receive services provided by the Tulsa Parenting Partnership, which provides them with parent education and general life-skills training. It also links them to community resources once released. During this time, the program reunites these women with their children each week to enable them to practice and model these new techniques and knowledge base. Many of the mothers report that this helps them re-establish their parent-child bond. We have found this program to be extremely popular among the inmates. In fact, we are having to push mothers away because we do not have enough funding. The Tulsa Parenting Partnership has been recognized by the Bureau of Justice Assistance as one of twenty best practices across the country.

Personally, I have seen multiple generations of families come into contact with law. I would like to tell you about one of those families. This family has a well-documented history of substance abuse, domestic violence, and child maltreatment. Over the years, this father and his wife's eight children have been incarcerated for just about every major criminal offense. In fact, a number of the men in this family are now on death row. The grandchildren of this couple have been involved in a familial crime spree that would just take your breath away. With each passing generation the criminal behavior continues and the arrests become larger.

This is just one of many families with long history of criminal behavior; every community has them, and any law enforcement officer of long standing in that community can give you their names. If we help to prevent the mistreatment of children as they grow and develop, we can help make a positive impact on the outcomes of their lives and the lives of those around them.

Police officers are recognizing the central role we play in helping to prevent the revictimization of children and families who have witnessed or suffered violence or neglect. For many of us, it has become a crusade, for we are the first to see the immediate effects of abuse *and* the later criminal activity. As a result, law enforcement officers have become partners in public-private prevention initiatives across the country.

Next, I would like to address the need for increased access to critical records and court orders by those of us involved in the day to day assessment of determining whether a child is a risk of serious harm. In many cases, multiple agencies have accounts of a particular family. If a child protective services worker does not have access to just one piece of critical information, including a past criminal convictions or a stay away order, he or she will not be able to determine whether that child faces additional harm or maltreatment at the hands of his/her caregiver. Thus, the ability to access records in a timely fashion on behalf of a child could mean the difference between a child's safety, further abuse and possible death.

Currently, Oklahoma is one of the few states that has the ability to share records, provided a confidentiality agreement is in place. To this end my chief has convened a Youth Development Alliance coalition. This coalition helps to facilitate record-sharing between private and public databases, which has allowed our investigators and assessment workers the ability to effectively assess and manage the safety of Oklahoma's children. It also strives to keep children from entering the system by being able to identify those families most at risk.

Finally, I would like to address why doubling the amount earmarked under the Crime Victims Fund from 10 to 20 million for victims of child abuse is needed. In Tulsa, these funds allow our police officers to participate in multi-disciplinary teams, which brings together various professionals to review and make recommendations about whether a child has been abused or is at further risk of harm.

The District Attorney for our county recently reported that the Tulsa multi-disciplinary team: (1) provided more accurate investigations that proved less traumatizing for children and families (cases cleared by arrest have increased by about 74%); (2) provided immediate medical evaluations (1,000 performed in 1998); (3) made better decisions about case direction (nearly 3,000 children's cases were reviewed by a team in 1998); and (4) successfully prosecuted more cases (confession rates have increased by about 73%).

I am sure that our findings locally could have broad implications for the effectiveness of cross training and the creation of multidisciplinary teams across the country.

The passage of the CAPE Act is, without doubt, a win-win strategy. The biggest winners are our children—whose safety and health we strive to insure. The next winners are the public, because by preventing future criminality, we also prevent further victimization. Police officers win because they improve their ability to assist in identifying and providing solutions to the problem. Finally, you, the members of this Subcommittee and Congress win for having the foresight to address these issues with system reform and the wisdom to listen to the most up-to-date research findings.

Thank you for the opportunity to talk to you today. I am honored to be a voice for my profession as well as for our children. My hope is that you have heard me.

Mr. McCOLLUM. Mr. Stein.

STATEMENT OF JOHN H. STEIN, DEPUTY DIRECTOR, NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE, WASHINGTON, DC

Mr. STEIN. Thank you, Mr. Chairman. Good morning to you and Mr. Scott. I have been struggling with how to file a dissent here appropriately. Let me put it this way. I want to associate myself with all of the panel members that you have heard, about their concerns about the issues of child abuse and the need for more resources to combat it.

I could be sitting at the same table with other colleagues from a domestic violence field making the same case, from the field of sexual assault, from victims of hate crimes, and from victims of fraud.

What I am trying to get to is to express to you our passion that the Victims of Crime Act is designed to be of assistance to all of

these. We have from the beginning of that act had centrifugal forces that would seek to carve off pieces of it for a class of victims that somebody feels passionately about. NOVA has resisted that each time.

For you, the Victims of Crime Act is one of hundreds of statutes that you oversee. But in our view, it is a very different animal. The essence of VOCA is that it creates a trust fund, and you are the primary trustees of that fund.

We look to you to maintain its fiscal and its programmatic integrity. The programmatic ideals of VOCA are to be of assistance to all victims of violent crime in helping meet their uninsured medical expenses and to be of assistance to all victims of crime, regardless of category or class with their victim assistance needs.

At the very outset, those ideals were compromised. A well-meaning gesture on the part of Senator Specter raised a amendment when VOCA was first on the Senate floor, in which he encouraged that priority for victim assistance funds be given programs helping victims of sexual assault, domestic violence, and child abuse.

At the time we said that every one of those groups should be on the list, but what happens to the victims of hate crimes? What happens to the surviving members of families of homicide victims? What happens to all of the other deserving victims if you set up these priorities?

So we objected to that strongly on that basis, and finally, several years later, were successful with others to get established a fourth priority in effect, one which says "other previously-underserved victims of violent crime," so that the ideals of VOCA could be responded to.

In a like fashion, we were able to get Congress to change the laws so that there could be no longer an exclusion from the compensation program of categories of victims who had been the victims of domestic violence or the victims of drunk driving crashes, whom most states have excluded from any benefits in their compensation program.

That is the direction that we would like to see VOCA always going toward, reaching out to all victims. The big exception in our efforts to promote this has obviously been the Children's Justice Act.

It is narrowly focused. It is focused on a gap in the Nation's response to child abuse which we think was very creatively addressed in the drafting of the language. We think it is wise that it's administered by the Office of Victims of Crime because it does speak to the criminal justice element of responding to child abuse.

We think everything about it is right. We think \$23 million funding is right. We think everything about it is right except for its funding source. It is true, as indicated earlier, that the Crime Victims Fund has grown from less than 100 million to a couple of hundred million dollars annually.

But understand that that fund is volatile. It depends on whether or not a bank is caught doing bank fraud and paying a huge fine. The fact is there are valleys as well as peaks in that funding. An additional \$10 million out of the general pool matters. It matters this year in particular.

As an example, Indiana victims advocates saw their VOCA funding reduced across the board by 35 percent. You can't reduce yet another \$10 million and say this doesn't matter. It does. It is practical.

Our recommendation, therefore, is really quite simple. As indicated in the testimony, the Children's Justice Act is really part of the larger child abuse statutory framework mostly run by the Children's Bureau. All of the other programs are funded out of regular appropriations. And, in fact, when Senator Hawkins first drafted CJA, she looked for an appropriations authorization and then at the last minute switched over to this convenient pile of money that was sitting there.

So we would urge you to work with the appropriate committees get the authorization for appropriation up to or above \$20 million. We would encourage you to frame that authorization in a way that the Children's Justice Act would not lose any of its VOCA funds until the appropriations were actually in hand so that we don't go backwards.

CJA is now a stakeholder, and we recognize that. We wouldn't want to undo that. But we strongly urge you to try and get the Crime Victims Fund, its integrity, its programmatic and its fiscal demands that you hold as its trustee, to get that back on track and assist in this dimension of responding to child abuse in the same way that the Congress has been responding to the other dimensions of child abuse. Thank you, Mr. Chairman.

Mr. McCOLLUM. Thank you, Mr. Stein.

[The prepared statement of Mr. Stein follows:]

PREPARED STATEMENT OF JOHN H. STEIN, DEPUTY DIRECTOR, NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE, WASHINGTON, DC

Chairman McCollum and members of the Subcommittee, I am John H. Stein, Deputy Director of, and Director of Public Affairs for, the National Organization for Victim Assistance. Thank you for inviting me to comment on "The Child Abuse Prevention and Enforcement Act." I am pleased to represent NOVA, the oldest of the national victim rights groups in what is today a worldwide victims' movement, in commenting on the provision of the bill that would double the share of the Crime Victims Fund supporting the so-called "Children's Justice Act" programs.

To put the matter in context, the Children's Justice Act (CJA) was designed to foster the improved use of law enforcement and prosecution in the states' arsenal of tools to respond to the incidence of child abuse; it was later amended to bring more resources to bear in responding to child abuse on Indian reservations. Both activities are welcome additions to the Federal government's panoply of services to combat child abuse, which we and other victims' organizations applaud. However, the jerry-built method of funding CJA was, and remains, a mistake, and any effort to increase its funding from the same source would only compound the original error.

We expressed this opinion in a letter to then-Congresswoman Malinari when she too sought to double the allocation of the CJA grants. NOVA Executive Director Marlene Young wrote:

THE MOLINARI LETTER

"I am writing to commend you for assembling your draft 'Child Abuse and Neglect Enforcement Act.' We believe that most of its provisions would, if enacted, advance the higher goals of our child protection systems. In general, the draft reaffirms your valued service as a Congressional champion of victim justice.

"We also support the goal of your draft Section 3, which would double the funding available for the so-called Children's Justice Act (CJA) grants. In states that have taken advantage of this program, there have been, we believe, improvements in the interplay of law enforcement and child protective services (CPS), and that is much to be encouraged. A recent, tragic story here in the Washington area is just another

reminder that too many cases remain within the jurisdiction of CPS when, in hindsight, it is evident that an aggressive law enforcement response was called for.

But while we have always supported CJA and support increased funding for it today, we have always opposed the mechanism originally chosen to fund that grant program, and will vigorously oppose any effort to enlarge CJA funding from that mechanism—namely, the Crime Victims Fund created by the Victims of Crime Act (VOCA).

“VOCA was designed to support direct services, either personal or financial, to victims of crime. From its inception, we have resisted broadening its mission to achieve other worthy aims, like improving the appropriate use of criminal sanctions in child abuse cases—and every new supplicant for VOCA funding has been a worthy cause.

“Several times those who share our protective view of VOCA’s limited purposes have succeeded with friends in Congress to turn back the request. Once we lost—over CJA’s funding. And once we abandoned principle to support the use of the Crime Victims Fund as an ‘investment’ in improved fine collections, the source of the Fund’s revenue. That expenditure proved to be a waste of precious dollars and, chastened, we do not expect to abandon principle ever again.

“Thus, we hope to see CJA funding increased, but in the manner all other federally-supported child abuse programs are paid for, through the regular appropriations process.”

PRESERVING THE INTEGRITY OF THE TRUST FUND

Permit me to expand my commentary on the Victims of Crime Act, paraphrasing at times from a letter Dr. Young sent to Chairman Hyde in February of 1995.

The essence of VOCA is the creation of a trust fund—the Crime Victims Fund—and you, Mr. McCollum, and your colleagues on the subcommittee are its senior trustees. We in the victims’ movement look to you above all others to preserve the programmatic and fiscal integrity of the fund.

Programmatically, VOCA was designed to support victims of state and federal crime in two fundamental ways—by compensating the innocent, injured victims of violent crime for some of their uninsured losses, and to provide to an even broader range of victims the counseling and advocacy services of victim assistance agencies.

For VOCA to live up to its ideals, it must insure that both of its programs support all their intended beneficiaries, favoring no group or class over another. That is the mission we attribute to VOCA, and we have had to fight for its achievement on two fronts: to insure that the basic two programs are inclusive in their services, and to keep those basic programs from being drained of their resources.

On the first front, VOCA got off to a bad start when a 1984 Senate floor amendment gave priority to programs helping victims of sexual, spousal, and child abuse—victims who clearly merit the highest priority, but not to the exclusion of elderly mugging victims, or victims of hate-motivated violence, or grieving relatives of murder victims, to cite three examples of victims who did not make the short list.

Congress fashioned a repair of that problem in 1988 when it added what is, in effect, a fourth priority, namely, “previously-underserved victims of violent crime.” At the same time, Congress also withdrew VOCA support of compensation programs that categorically bar claims from victims of domestic violence or of drunk-driving crashes, an inducement all the affected states accepted. With those changes, VOCA was substantially restored to the ideals of its inventors, that is, the members of President Reagan’s Task Force on Victims of Crime.

On the second front—regarding the fiscal integrity of the Fund—VOCA’s friends have been less successful in keeping VOCA’s resources devoted to the work its founders envisioned. Beside its two major programs, VOCA supports two others, only one of which directly serves VOCA’s mission—a tripartite program supporting services to victim of federal crime, and underwriting training of victim advocates, and of state-level administration of VOCA activities. These three supports are modest in cost, taking less than ten percent of VOCA’s budget.

The other beneficiary of the Fund is worrisome—not because it is unworthy of support from the victims’ movement but because it, and dozens like it, are very worthwhile indeed.

In fact, the Children’s Justice Act (CJA), which receives a \$ 10 million cash outlay from VOCA, is the invention of victim advocates concerned that too many child abusers are escaping prosecution. It was their intent that the CJA program receive its appropriation with the other child abuse programs, of which it is an add-on, an iffy funding plan which CJA’s ardent supporters tamed into slice from the VOCA pie in an end-of-session maneuver in 1986. That expedient funding mechanism has since become a fixture,

Clearly, in addition to this successful suppliant for VOCA funding, there have been many others who did *not* succeed, thanks to the protectiveness that you and other Judiciary Committee members have shown towards VOCA's focused mission. One of these was the State Justice Institute, a highly-regarded force for victim-oriented reform in the judiciary. Another was an effort to cover the uninsured costs of rebuilding churches, mostly in the South, destroyed by arson. Both were worthy of Congressional assistance—but, thankfully, you responded to our entreaties to protect the integrity of the Fund from our allies who would, with the best of intentions, collectively dilute VOCA's mission even as they bleed away its resources.

We urge you anew to say no to our friends.

IMMEDIATE PRACTICALITIES

Plainly, the CJA programs are now vested stakeholders in the Fund, and we would not encourage you to defund them. On the contrary, we support doubling their funding levels to \$20 million annually.

But we do encourage you to transfer their funding source to the appropriations budget that funds the rest of the Federal government's child abuse activities. More specifically, we urge you, in collaboration with appropriate committees, to enact a \$20 million CJA authorization with the proviso that any shortfall in an appropriation to that level would be made up with Crime Victim Fund money, up to \$10 million.

In taking on that authorization process, we would also encourage you to inject more of the mission of VOCA in its provisions by broadening the class of child victims to be served. Examples of such victims now outside the scope of CJA are victims of parental kidnaping, children who witness violence, and child victims of sexual abuse non-family members.

What we urge you not to do is to take the extra \$10 million from the Crime Victims Fund. As you know, that Fund is unique, deriving all its revenue from the totality of criminal fines and penalties paid by convicted Federal offenders. No state or national government in the world has so committed the resources of convicted wrongdoers to the rehabilitation of their victims. We commend and support this method of replenishing the Fund's coffers.

But there is an inherent problem in that system: some years the Fund receives more fine revenue, some years less, than the year just preceding. While we, in tandem with the Justice Department and VOCA's Congressional trustees, have worked to smooth out some of the peaks and valleys in the funding cycle, our efforts have not been foolproof.

Thus, in an especially flush year, the loss of \$10 million to the CJA programs would hardly be noticed. But in an especially lean year, that loss would be glaring and costly.

The current fiscal year is one of the lean years. In Indiana alone, victim assistance programs have sustained an across-the-board 35 percent cut in their VOCA subgrants. It does not require a complicated mathematical formula to conclude that an additional cut in the national pool of available victim assistance dollars would make this bad situation worse.

CONCLUSION

Both on grounds of principle and of practicality, we strongly urge members of the Crime Subcommittee to strengthen the Children's Justice Act programs—but not at the expense of the Crime Victims Fund.

Chairman McCollum and distinguished members of the Subcommittee, I appreciate your invitation to address you on this important topic.

Mr. MCCOLLUM. Mr. Horowitz, you are recognized.

STATEMENT OF ROBERT HOROWITZ, ABA STEERING COMMITTEE ON UNMET LEGAL NEEDS OF CHILDREN, MINNEAPOLIS, MN

Mr. HOROWITZ. Thank you, Mr. Chairman, Mr. Scott. I am delighted to be here today on behalf of the American Bar Association, which has for many years supported in its formal policy statements many of the provisions of the Children's Justice Act, such as improved and fair treatment of child victims of child abuse, improved

training of the legal and court systems related to these issues and so forth.

As the final witness, I find that I can throw away my prepared remarks because I think there has been more consensus today than rancor, I am delighted to say. So I would like, if you would indulge me, just to focus on a few issues that I think has surfaced in this morning's conversations and testimonies.

First, without—I would like to go to the funding issues since there has been a lot of discussing about the doubling of CJA, the funding through of the Closed Circuit TV Grant program law enforcement records sharing provision.

Let me first talk about the CJA, and I guess I am really rebutting Mr. Stein, who I think is a wonderful advocate for victims; and, therefore, I do it with a heavy heart.

First of all, I just want to say children are victims. I find it to be very consistent to think that using the Victim's Crime Fund for child victims to not be an inconsistency. I would also like to say that while maybe they are being singled out and other victims are not, quite frankly I think that is the role of Congress and the Government to protect its most vulnerable citizens and who is more vulnerable than children.

We simply do this all of the time. I will give you an example that I thought of scribbling up here. In the 1970's and 1980's, I was more involved with some of the child support reform legislation Congress was enacting. One of the provisions was using the IRS tax refund of offsets; that usually a father owed arrears in child support, working through the IRS if he was getting a tax refund we could interpret it. And the IRS says no, that is not what the IRS is about. We don't collect fines, we don't collect penalties, we don't collect judgments.

I think the appropriate response from Congress then, as it should be now, is that we sometimes have to make exceptions to protect our most vulnerable population, children. Congress did this in the 1980's when they created the Children's Justice Act, and I see no reason to waiver from that.

I think at best what we are seeing, using the language of the Hill maybe, is indexing for inflation. That is to say there has already been this \$10 million cap on the set-aside. As you have heard testimony, it is not consistent.

Nonetheless, there has been a tremendous growth in both the funds that have gone into the Victims Fund and the number of children who have been reported as abused and neglected. This is just a modest effort to not even keep pace, but is a modest effort to increase the funding.

I also want to specifically make a comment on the point of let us go to the House Appropriations Committee to get out of this conundrum and let them increase or come up with \$20 million in new appropriations to support the Children's Justice Act. Were that to happen, I would be here testifying foursquare in favor of that as well.

But I must remind the committee, as a colleague of mine in the audience who tracks this better than I do, Tom Birch, told me, that the last 2 years because of the competition for dollars, the House Appropriations Subcommittee on Labor, Health, and Human Serv-

ices has, I believe, regrettably and with a heavy heart reduced the child abuse and neglect funding under the Capital Law. Happily it was restored in other actions.

So I don't think that we can assume that the House Appropriations Committee, not because of bad intentions but because of limited resources, would be able to come up with these new funds.

Thirdly, on the issue of funding. I think this maybe relates a little bit to the first panel's conversation is, yes, there are many Federal funding streams right now that will accomplish some of the objectives of the Children's Justice Act, that will fund some of the programs highlighted by the Children's Justice Act. Let me say that that is just great.

Communities are getting very good at taking the multiple Federal funding streams, combining them and coming forth with a sound concrete program. And so we should not necessarily at the community level think that multiple funding streams for overlapping purposes is bad.

Let me give you two small examples that relate to Children's Justice Act and some of what we talked about this morning. Part of the proposed bill we are discussing would be to amend a provision that gives grant funds for providing of equipment and training, close circuit TV for taking the testimony of children and videotape equipment.

Let me just say that is a great provision. And where are many of those things housed? In children's advocacy centers. Where are our children's advocacy centers funded, as we have heard from testimony today? Often through the Criminal Justice Act. So we are capable at the community level of combining these resources and having a vital program.

I think the CJA as a stand-alone program is important because it brings focus and attention specifically not in competition with other demands of block grants and other programs on vital issues of concern to America's children.

Let me also commend to you the report I believe issued last year by the Department of Health and Human Services called "Update of State Activities Conducted Under the Children's Justice Act," which is a report of what has been funded under this act. In reading the report I would just like to say that it does exactly what I think Congress would hope they would do.

What does that mean? It means, one, funding is mostly done at the State and local level where the abuse and neglect is occurring. Two, it funds lots of great innovations. Quite frankly, in my 20 years in this business the one sad comment I would make is that the availability of discretionary funds to fund innovative programs has diminished as the competition through the block grants and the entitlements and the other programs have used up so much of your discretionary resources.

Associate Commissioner Carol Williams in her written comments, which I picked up from Health and Human Services, notes some of those innovations. For example, the telemedicine in Texas whereby using data imagery a doctor in, let us say, rural Texas can send pictures, X-rays, reports, to an expert, let us say, in Austin, Texas, to get some validation of his or her findings as it relates to child abuse.

It is highly leveraged in two ways. First of all, often problems that prove to be successful but wind up getting State financial support to continue. One example is in New Jersey where they, with the CJA moneys, funded diagnostic centers which Ms. Sendek referred to.

Now the State of New Jersey as I understand has stepped up to the plate and is funding with its resources for these regional diagnostic centers. So it is highly leveraged both financially and by use of citizens. Who is working on these CJA grants? The doctors, the lawyers, the judges, the CPS professionals. So much of the time they spend on these grants, providing training, developing protocols, doing consultation is on their nickel.

The CJA provides the infrastructure, the equipment, the facility. But so much of this is leveraged time of concerned citizens. Another thing that I think we should commend the CJA in finding a great use of funding is it promotes uniformity where uniformity is desirable.

To give you a prime example, one of the things that the CJA is supposed to support is looking to issues of child maltreatment-related fatalities. A big issue in child maltreatment-related fatalities is lack of common definition and data sets.

What one person may call an accident someone else may call willful, someone may say is an unexplained cause of death. It leads to great confusion. Many of these grants are developed in uniform data sets so there is both uniformity between counties, between cities within a State, as well as it gets spread out throughout the country, uniformity throughout the country.

I believe that use of these funds should be applauded by Congress. I would like to say that the Children's Justice Act booklet, which I refer to, has a conclusion which I would just like to read because it is a conclusion that I agree with and I hope that you take to heart.

In concluding after spending the many uses of the funds, it says that, going to the glasses, in summary, its findings—"the report concludes, as do we, that the CJA has played an important role in encouraging a comprehensive and multidisciplinary examination of problems related to child abuse and neglect investigation and prosecution and has, through State task forces, served as a focal point for innovation and reform and has provided a structure for continuing improvement."

I, the ABA, we also agree with the report that the funds to States are relatively small. They typically range in the 50,000 to \$200,000 range per State so that there is often a dilution of effort as moneys are spread across many projects. For these reasons we would encourage the increasing and doubling, if you will, of funds set aside for the Children's Justice Act to \$20 million.

If time permits, I would just like to comment on two points, I believe, that were raised by the committee. One point is I would just like to say that we share the Chair's concern that to the extent that there is funds required to promote the use of the law enforcement and child protective services agency, cooperation would come from as much as \$1 million earmarked for the closed circuit TV and for the videotaped testimony funds.

We share the concern that that may be a dilution of effort and would welcome, as I believe some of the Justice officials discussed this morning, looking at some other resources to make that happen.

Secondly, I would like to comment to Mr. Scott's question, I believe, about the rate of prosecution, whether there has been more of it, more successful, et cetera. I would just like to say that unfortunately we don't have those statistics, but I would like to share with you 20 years of observations, if I may.

Twenty years ago I got into this field. There was one thing that you would constantly hear, prosecutors don't prosecute sex abuse cases. Why? First of all, they didn't prosecute them because they thought they weren't going to win. That is always the first consideration.

But they didn't prosecute them because they thought that children didn't make very good witnesses, they were not credible, there was a lack of corroborating evidence, that if you didn't get the child to the medical room within 5 minutes of the assault the evidence wouldn't substantiate the charges, et cetera and so forth.

Today a sea of change. Today we bring these cases, and we succeed in these cases back early, and many of the things that CJA supports are the very reasons that we are succeeding. Children with many of the programs established through CJA are better witnesses.

Cases are being better and more timely investigated. The medical testimony is much stronger. We can now get medical testimony that can be based upon findings and observations that need not be made 5 minutes after the occurrence or even can explain why there is a lack of medical evidence and findings.

And, of course, I am more accommodating, if you will, to the special needs of children as participants in the judicial proceedings. So I can't give you a number, Mr. Scott, but I can certainly say that it is radically different and more favorable toward children than it was 20 years ago.

Again, I think the CJA has played an important role in that change. Those are my ad hoc remarks, and I thank the committee for indulging them.

[The prepared statement of Mr. Horowitz follows:]

PREPARED STATEMENT OF ROBERT HOROWITZ, ABA STEERING COMMITTEE ON UNMET LEGAL NEEDS OF CHILDREN, MINNEAPOLIS, MN

Mr. Chairman and Members of the Subcommittee:

The American Bar Association appreciates the opportunity to share its views concerning H.R.764, the proposed *Child Abuse Prevention and Enforcement Act*. My name is Robert Horowitz, and I am Associate Director of the ABA Center on Children and the Law. I appear today at the request of Philip S. Anderson, the President of the Association.

We want to commend Representative Deborah Pryce and the sponsors of this bill for demonstrating a concern for enhancing justice for abused and neglected children, particularly regarding the need for improving responses by community law enforcement agencies. We are especially pleased that this bill incorporates a proposal, first introduced several years ago by Congresswoman Susan Molinari, to double—from \$10 million to \$20 million—the money available to states under what is known as the Children's Justice Act. Support for that Act, passed by Congress in 1986 as the Children's Justice and Assistance Act (Public Law 99-401), was led by Senator Paula Hawkins of Florida. Several years earlier she had courageously revealed on the Senate floor that she had been a childhood victim of a sexual offense but had been poorly treated in the justice system. As an example of the bipartisan efforts

that led to that law's enactment, Senators Hatch, Grassley, Biden, and Dodd were all strong supporters of the legislation.

We believe that there is today an even greater need for the non-appropriated funds under that law to be made available to the states. As the money comes from the Federal Crime Victim's Fund, increasing these funds to \$20 million will not add to the federal budget and will not cost American taxpayers a penny. Yet these funds, as we will describe, are critical for a wide array of unmet legal needs for abused and neglected children who find themselves going through the criminal justice system as victims and witnesses. In addition, as H.R. 764 also suggests, the specific need for improving the police response to the abuse of children is greater than ever.

The state Children's Justice Act programs are models of intergovernmental cooperation and collaboration, and they typically feature a multidisciplinary approach to meeting the needs of child crime victims. In our view, far more needs to be done at the state and local levels to address adequately the needs of child victims of abuse and neglect. According to a recent federal study of the incidence of child abuse and neglect in America, the number of abused and neglected children in this country nearly doubled between 1986 and 1993. Today, the country's child protective service agencies substantiate over a million cases annually of abused and neglected children. Many of these children must be interviewed by professionals involved in the criminal justice system and are often asked to testify as well.

Our testimony will address two major provisions of this bill. The first is the proposed increase in set-aside funds for state activities under the Children's Justice Act. The second is the bill's focus on encouraging states to have law enforcement agencies help child protective service (CPS) agencies conduct child safety assessments by determining if there is criminal-history or civil-protection-order information related to adults in the child's home.

A. THE IMPORTANCE OF DOUBLING THE FUNDING TO STATES UNDER THE CHILDREN'S JUSTICE ACT

The ABA, particularly through our Center on Children and the Law's work on child sexual abuse law and policy reform, has given considerable attention to improving the response of prosecutors, police, and others to child victims of crime. In 1985 the ABA's House of Delegates—our policy-making body—approved a set of *Guidelines for the Fair Treatment of Child Witnesses in Cases Where Child Abuse is Alleged*. These *Guidelines* addressed many of the same issues covered in the original Children's Justice and Assistance Act of 1986. More recent ABA policy recommendations have supported such related justice system improvements as: the need for more treatment resources for abused children, and providing special waiting areas in courthouses for child witnesses (August 1996), improving legal representation of abused children through new standards of practice (February 1996), and a reaffirmation of the ABA's support for creation of state unified children and family courts (August 1994).

After the Children's Justice Act became law, Congress recognized that there were a new set of emerging issues related to interventions in child abuse cases and amended the Act in 1992 to add new requirements. These requirements included a mandated state "Children's Justice Task Force" focus on such issues as child fatality review, child abuse cases that cross jurisdictional boundaries, improved representation of abused children in court, and procedural fairness for parents accused of child abuse. Recently, these interdisciplinary state task forces have begun to address newer issues, such as the coordination of child abuse and domestic violence cases and how the legal system responds to children exposed to domestic violence.

It is important to note that the actual funding available to the states under the Children's Justice Act has remained level since 1995 (at \$8.5 million) even though the funding source for this money, the Federal Crime Victims Fund, rose in collections during these four years from \$233 million in 1995 to \$324 million last year. Indeed, when the original funding formula for the share of Children's Justice Act money was established, the Crime Victims Fund collections for that year (1987) were only \$77 million. The set-aside for a state policy improvement focus on child victims of abuse is thus—today—an even smaller fraction of the ever-increasing Federal Crime Victims Fund collected through penalty assessments of federal criminal defendants.

As evidence of what the states have done with their modest share of the less than \$9 million available to them, we commend to you last year's informative report from the U.S. Department of Health and Human Services, entitled *Update of State Activities Conducted Under the Children's Justice Act*. One finding from that report was

that all states noted the need for further efforts, and the relatively small state allocations were a barrier to greater effective state work.

The modest set-aside of crime victim funds has been used to support considerable innovative work on improving abuse investigations, child victim interviewing, criminal prosecution, and other court-related assistance. However, several objectives of the Children's Justice Act—particularly several "system reform" elements added by Child Abuse Prevention and Treatment Act (CAPTA) amendments since the original Children's Justice Act was signed into law—have yet to be adequately addressed by most states. These issues (listed in Title 42 U.S. Code Section 5106c) require far more attention by state policymakers and practitioners. They include:

- *Improving state handling of child sexual exploitation cases*, especially cases of children who are victims of enticement by adult predators who have contact with children through the Internet, as well as children who are involved by adults in prostitution.
- *Establishing, and training members for, child fatality review teams*. The *Update* report indicates that less than half the states had statewide child death review teams, and most large cities and counties in this country still do not have their own teams. There is no other federal statute, or source of federal money, that provides specific funding for states to address the review of child maltreatment deaths.
- *Handling child abuse or neglect cases that cross jurisdictional boundaries*, as when a family reported for child abuse moves from one state to another, when there is a possibility of both federal and state authorities being involved in a child abuse case, or in cases where both state and Native American tribal courts may intervene in the same case. The *Update* report indicates that most of the states have not yet used Children's Justice Act funds to address these complex situations, with only 8 states reported to have developed procedures and protocols to coordinate services, share information, and monitor the care of maltreated children placed in other states or counties. The report further indicates that only about 2% of the total FY1997 Children's Justice Act funds were used to address State-Tribal or Interstate cooperation in child abuse and neglect cases.
- *Enhancing performance of court-appointed attorneys and guardians ad litem for maltreated children*. The ABA has done extensive research over the past few years to gather information about state juvenile court reform activities throughout the country. One of the most frequent problems noted by these state "court improvement" assessments has been the need for improving the quality of court-appointed representation for children. In 1996 this was also the concern of Congress in passing the CAPTA amendments of that year. Congress added to the list of state "eligibility requirements" for federal CAPTA funding [Title 42 U.S. Code Section 5106a(b)(2)(A)(ix)] a condition that the abused or neglected child's guardian ad litem (GAL) obtain "first-hand, a clear understanding of the situation and needs of the child" and "make recommendations to the court concerning the best interests of the child."

Congress added this language out of concern that, too often, guardians ad litem are not performing their responsibilities adequately. Children's Justice Act funding is critically needed to help states upgrade (through training and the establishment of "standards of practice") the quality of children's representation.

- *Ensuring procedural fairness to those adults accused of child abuse and who are the subjects of child protective service decision-making*. This is an area of the Children's Justice Act that the ABA believes has received almost no attention by state Children's Justice Act task forces, even though it is clearly listed in the statute as an area where states must adopt recommendations for systemic reform. There is no mention of this issue in last year's *Update* report. In the 1996 CAPTA amendments, Congress clearly wanted the states to focus policy attention on the "appellate rights" of those parents who "disagree with an official (administrative) finding of abuse or neglect" [Title 42 U.S. Code Section 5106a(b)(2)(A)(xi)]. The ABA Center on Children and the Law has received a number of calls from state child protective service agency policy staff about this issue. It is certainly an area where the use of Children's Justice Act funding could be helpful for studying the "parental due process" issue in substantiated case determinations (and Central Registry record-keeping). This is an issue that, if unresolved, can have a negative impact on par-

ents and their families and undermine public confidence in government child protection intervention.

A substantial increase in Children's Justice Act allotments to the states could significantly help focus the attention of state child protection policymakers on several emerging issues in the government's response to abused and neglected children.

1. *Creating Unified Family Courts in More States*

Some states have "unified" specialized trial courts where a broad range of judicial matters affecting children (abuse/neglect, delinquency, termination of parental rights, adoption, guardianship, child support, etc.) are heard in one court. Few states have used their Children's Justice Act funds to explore the creation of (or to develop pilot projects on) unified family courts. This is an important basic court reform, endorsed by both the National Council of Juvenile and Family Court Judges and the ABA, that could help fulfill one of the goals of the Children's Justice Act, which is to improve the judicial handling of child abuse and neglect cases.

2. *Increasing Police Responsibility for Investigations in Child Abuse and Neglect Cases*

H.R. 764 recognizes that there is a need throughout the country for law enforcement to be more quickly and thoroughly involved in child maltreatment case investigations. One specific important area—police aiding CPS workers to instantly obtain criminal record and protection order (and order violation) information—is addressed in the bill. There is now, however, very little, if any formal policy around the country to help assure that this occurs. States will need access not only to Federal Crime Control/Safe Streets/Byrne Act funds to properly implement such screening statewide, but they should also be encouraged to access Children's Justice Act funding for studying and implementing pilots of the instant adult screening mechanisms that H.R. 764 contemplates.

There are a few states (Florida, Texas and Arkansas) that have passed laws giving police new responsibilities for investigating child abuse cases. As other states consider turning CPS investigative responsibilities over to law enforcement, use of greater Children's Justice Act funds would help in studying and piloting such initiatives.

3. *Improving Case Tracking and Monitoring of Criminal Child Abuse/Neglect Cases (Assuring Better Data Collection and Analysis)*

There is a bill pending in Congress (S. 708, the proposed Strengthening Abuse and Neglect Courts Act of 1999) that seeks to improve the ability of juvenile and family courts hearing civil child protection-related cases to collect data that measures timeliness of proceedings, assures careful case monitoring, etc.

The Children's Justice Act can be a funding vehicle for doing similar case management information work in the *criminal courts* where child abuse and neglect cases are prosecuted.

The criminal justice system in child abuse cases takes too long to complete a trial and sentence offenders, often leading to additional trauma for the child victim. There is also concern about sentences in child abuse cases not being appropriate. Children's Justice Act money could be used to help devise data collection systems that could identify where case logjams occur and where sentencing of offenders does not reflect the severity of the offenses.

4. *Addressing the Link Between Domestic Violence and Child Maltreatment*

The "Update" report indicated that 19 states had undertaken activities related to the connections between domestic violence and child abuse. All states should do so. Legislative and police/CPS policy reforms are critically needed in this area. When children are "exposed" to domestic violence in the home, even if not physically abused themselves, their emotional injuries can be severe. Indeed, at least one state (Utah) has re-defined criminal child abuse to include causing a child's repeated exposure to domestic violence, and other states may follow.

The ABA anticipates that Children's Justice Act state task forces will increasingly be examining issues related to this "link" (as well as the links between child abuse, domestic violence, and cruelty to animals). These statewide interdisciplinary task forces, which must be maintained as a condition of state receipt of federal Children's Justice Act funds, are ideal entities to study and develop proposed responses to these issues.

Our Center on Children and the Law has assembled many examples of important state reforms made possible by CJA funding. The following, provided by the Center, is some brief information (none of it described in the HHS *Update* report) about

projects that we believe demonstrate how helpful it could be to have more Children's Justice Act money available for innovative program replication:

- *Texas* has used its funds for a "Child Protective Services Mediation Project" under which six court-based programs have been funded, two state conferences on mediating child protection cases have been held, and an evaluation has been completed (including focus groups) of these pilot projects in non-adversarial case resolution.
- *Oklahoma* used its money to conduct training for physicians on doing medical examinations (and testifying in court) in child abuse cases. 350 medical professionals participated, and this has led to a certification process to help improve the quality of physician involvement in child protection cases.
- *Oregon* leveraged their funds to also get \$4 million from state criminal penalty assessments that is being used to create and train multidisciplinary child protection teams (and child interviewers) in every county in the state.
- *Louisiana's* work on child maltreatment death investigations included funding a coordinator to be of special help to rural areas, to aid regional teams, and to develop standardized statewide protocols.
- *New Jersey* used its money to create regional child abuse and neglect "diagnostic centers," and the programs created with these funds led to a state legislative appropriation and a state law to permanently establish four regional centers.
- *Idaho* has used its grant for a project to develop a protocol for interventions (including child medical exams) when children are found in or around methamphetamine manufacturing labs, including guidance for physicians on testing children for methamphetamine exposure.
- *Illinois* work has included the development of a "Therapists Specialization Program" (for Ph.D. candidates in clinical psychology), which produced a model curriculum used by several hundred students and over twenty faculty members. This has helped increase recognition of the importance of good treatment for child abuse victims, and this program has led the state's School of Professional Psychology to incorporate the program into its curriculum. Illinois also has used its funding to create a program for supporting and evaluating the work of local Children's Advocacy Centers in the state.
- *Iowa* and *Washington State* used their money to improve law student training related to representation of abused and neglected children. Thanks to the Children's Justice Act, there is now a University of Washington Child Advocacy Law Clinic (working in collaboration with the School of Medicine); and at two Iowa law schools there are financial stipends available to encourage law student work with abused and neglected children.
- *Michigan's* initiative has developed a protocol to help reduce situations where children's interviewing is later alleged to be "tainted" (and case handling criticized) because of the interviewer purportedly "implanting false abuse memories" during the interviewing process, and many training sessions have been held on use of the new interviewing protocol.
- *Hawaii* has had its program hold, twice each year, an open forum on proposed child abuse law reforms.
- Although *Missouri's* child death review work (a model for the nation) is described in the *Update* report, not included there is the fact that Children's Justice Act funds have aided the development of standardized child fatality review forms that have been replicated nationally and internationally.
- *Tennessee* used its grant to conduct a three-day training for over 400 CPS workers, supervisors, and law enforcement personnel, in eight locations, on interviewing alleged child abuse offenders.
- *New York's* funding has been used for a statewide resource center for multidisciplinary team (MDT) support, including setting up a state network of Children's Advocacy Centers and MDTs, creating a special Website for this network, and coordinating training.

B. Encouraging Law Enforcement to Aid Child Protective Services by Conducting Background Checks as Part of Safety Assessments in Child Protection Investigations

The American Bar Association, through its Center on Children and the Law, was involved in critical policy analysis a decade ago on improving the coordination between police and child protective services. The Center produced, in conjunction with the Police Foundation, one of the first publications for line police officers on child

abuse intervention, entitled *Child Abuse: A Police Guide*. It also joined with the Police Foundation and the American Public Welfare Association in a project to build consensus for a set of *Guidelines for Cooperation between Law Enforcement and Child Protective Services* that was issued in 1990. The Center has conducted a major national study of criminal background screening for persons applying to work with children, and Center staff authored the Justice Department's 1998 publication *Guidelines for the Screening of Persons Working With Children, the Elderly, and Individuals With Disabilities in Need of Support*.

In 1997 Congress, in the Adoption and Safe Families Act, made it clear that it expected child safety to be the primary responsibility of state and local child welfare agency work. That law includes, for example, a requirement to conduct criminal record checks on proposed adult foster and adoptive parents. Congress failed to include in ASFA, however, a similar requirement for checking the criminal histories of adults in homes where suspected child abuse and neglect is being investigated.

There is arguably an even greater need for making sure that the primary home of a child is safe than in investigating a proposed foster or adoptive home. Research conducted by staff of the ABA Center indicates that states lack laws or written policies mandating criminal history checks for adults living in the homes where child abuse and neglect is being investigated and risk assessments are being conducted. Where they are being done, it is due to exceptionally good CPS-law enforcement coordination and cooperation.

H.R. 764 would provide financial incentives for not only checking criminal histories but also, very importantly, checking on past civil orders of protection (from prior domestic violence or child abuse cases) and violations of those orders.

The bill is properly worded with broad language to encompass checking "custody orders, visitation orders, protection orders, guardianship orders, stay away orders, or other similar judicial orders."

The ABA Center's almost twenty-year history of work on parental child abduction legal issues has demonstrated that civil custody and visitation-restriction proceedings, and threats of parental child abduction, are often found in cases where there has been a history of child abuse or domestic violence. It is therefore critical for child protective service workers to have, through the support of the police, access to any such relevant information in making child risk assessment determinations.

One of the funding sources that sponsors of H.R. 764 hope will be utilized in state efforts to do this child safety-related screening is Title 42 U.S. Code Section 3796aa-1. That 1990 legislation authorized the U.S. Department of Justice to award grants to provide equipment and personnel training for the closed-circuit televising and videotaping of children's testimony in criminal child abuse proceedings. The ABA Center has studied the implementation of this law, for which no more than \$1 million per year has ever been appropriated. We found many striking examples of local creative use of video technology in helping reduce child victim trauma by avoiding unnecessarily repetitive interviewing, securing on video a child's statement regarding their abuse that helped avoid a later contested trial, and other innovations.

The ABA Center continues to review developments at the state and local level made possible by this money. The ABA wishes to express concern that by adding a *second use* for these very limited funds—without an increase in appropriations for this section of the U.S. Code—continued local reforms using video technology to help reduce child victim trauma and aid in criminal prosecution of offenders may be compromised due to new and competing uses for this funding.

We hope that appropriated funding under that section of the Code will be increased and that new funding provisions related to criminal history (both criminal record history and current probation status information) and order-of-protection screening would be added to other parts of the U.S. Code.

For example, the Adoption and Safe Families Act (Public Law 105-89) and the Crime Identification Technology Act of 1998/National Criminal History Access and Child Protection Act (Public Law 105-251), which each have sections addressing other aspects of criminal history screening, could be amended to add provisions promoting police assistance to child protective services in conducting criminal justice-related checks of adults residing in homes where child abuse is being investigated. Proposed legislation to amend the Violence Against Women Act could be amended to include a focus on the use of order-of-protection screening not just in domestic violence cases but also in child abuse and neglect investigations by child protective services and the police.

Finally, we suggest that it is not enough to add this permissible use of federal money in the law without providing federal guidance to state and local governments on how to use these screening approaches effectively. We therefore would encourage amendments to the bill to specify that the Departments of Justice and Health and Human Services work collaboratively in studying this issue and developing guide-

lines or standards for how criminal justice/protection order data can best be used in child safety risk assessments.

Again, thank you for the opportunity for the American Bar Association to express its views on this important bill.

Mr. MCCOLLUM. Thank you very much. I thank the entire panel for your testimony. I will recognize myself for 5 minutes of questions.

I am going to go to the money part of it first simply because I want to clarify something. Maybe I should start with you, Mr. Stein. My understanding is that the current Victims of Crime Act fund moneys go principally to the Justice Department and that they are divided and a lot of that money goes to specific nonprofit organizations through grants, but that the earmark that is there, the \$10 million now and presumably \$20 million if we increase it under this bill, goes to the Health and Human Services agency for the Children's Justice Act that Mr. Horowitz is testifying about. Is that understanding correct? Is that principally right?

Mr. STEIN. I am not an expert, but I think it is incorrect. I think it works in tandem with the Health and Human Services program. But the actual grant-making of the \$10 million is done at the Justice Department.

Mr. MCCOLLUM. So it doesn't actually get shipped over there for them to decide. It is just that the HHS has an input into it, is your understanding. What I was curious about is assuming there was no earmark at all here, what proportion of the moneys and funds would go to the victims of child abuse or would there be—how would we know that? Who decides that?

Mr. STEIN. The State administrators decide that. It is a decentralized decision-making process. Two things can be said: one is there is a priority built into the statute for assistance dollars to be supportive of helping child abuse victims. And the second thing that we can say about that is this priority was costed in Ms. Turman's testimony: Independent of the Children's Justice Act, she reported, \$76 million last year was spent from VOCA funds in support of child abuse programs. So that kind of generic program that VOCA sets up is not neglectful of child neglect.

Mr. MCCOLLUM. Thank you very much. Major Jones, I am going to ask you and Ms. Sendek a little bit about this and some things that were provoked here in both your testimonies, but particularly in my mind about the sharing of information.

At one point I heard you say that there has been, if I am not mistaken, an absence of that sharing in terms, I would presume, of different agencies that would have available information in the child abuse-child neglect area.

I think Ms. Sendek was commenting on a team approach to try to share it and Ohio has. Major Jones, could you tell me why don't we have more sharing? What is the problem? What is the reason for that absence of the sharing? Is it weak law that prohibits it or just agencies or individuals don't want to share?

Ms. JONES. There is probably a historical perspective there, Mr. Chairman, in terms of agencies developing their own data and holding it close. There is probably some legal ramifications about the ability to share information of cost lines. As I mentioned in my

testimony, there was only four States that allowed the sharing of information between public and private initiatives.

There is those kinds of things in place and people holding their cards close to the vest, so to speak, in some issues. But what we know in these trainings with the multidisciplinary teams is this information sharing, these little pieces of information are so instrumental in the totality of how we address the child and make sure that that child stays protected, like Ms. Sendek said, the child being revictimized.

Because one agency had a piece of information the other agency didn't have. We wonder if that is not our failure, if a system failure—if we are not responsible for the revictimization of that child. I could certainly appreciate and have the same kind of stories in Oklahoma that she could talk about.

Mr. McCOLLUM. The reason that I raised it—and I will go to Ms. Sendek in a second—I not only saw what you said, but remember several years ago being involved in a Justice Department program attempting to get the schools and the law enforcement community and the social workers all sharing the records, particularly on kids.

People didn't know it. They didn't know if the child had a problem—if the school—the school didn't know if the child had a problem in some place that didn't have a criminal record already, How many times has the child been picked up, and so forth. We worked very hard to try to get States to break down those barriers, but they are obviously still there.

Ms. Sendek, you said that you have a team approach in Ohio. Is it lessened there or is it still a big problem?

Ms. SENDEK. It is still a problem. I think again, like Major Jones said, historically we have all worked isolated in our area; and we are working with very, very confidential, very critical information.

And so to just put that information out there or to make that public knowledge is very difficult. What happens, though, with a multidisciplinary team is a couple of things. One is that team is housed together. That information becomes part of that record-sharing within that facility.

So if you have law enforcement, prosecutors, child protective services, medical and mental health, together, that becomes a piece. If they are not housed together, but they do their investigation together, again, that information becomes shared. Then the record-sharing from the agencies becomes facilitated because of the team approach.

Can I go back, I am not sure but I know that you asked an earlier question about the Children's Justice Act money. I do have Ohio's grant here in front of me. I don't have all of the information, but this is our Children's Justice Act from Ohio, which has just been submitted. May 14, in fact, it is going in.

It is being submitted by our Department of Human Services, and it is actually being submitted to the National Office on Child Abuse and Neglect, which would be out of the office of Health and Human Services. My understanding is that money does come through—

Mr. McCOLLUM. HHS?

Ms. SENDEK. That is my understanding from the grant that we have here in Ohio.

Mr. HOROWITZ. Roughly 85 percent of the funds, in this case \$8.5 million, are distributed through HHS, the Children's Bureau, a formula grant program; \$1.5 million stays at the Department of Justice, which is, in this case, earmarked for native American victim programs.

Mr. MCCOLLUM. That clarifies it. Thank you. A lot of times we have these hearings, and we get in a vacuum and we don't understand. We appreciate you putting that in context.

I am going to yield myself just one more question—and then I am going to Mr. Scott—to just clarify something in terms of getting back to this information-sharing issue.

The first of a second section of the bill dealing with the issue of using those closed circuit television funds to be available to access criminal conviction information, is that going to solve—or how is that going to solve or help solve this information sharing?

Is anybody here, Major Jones or Ms. Sendek, anyone else, have a view on that? If you do, I am a little confused as to where that money would go under the theory of this bill in terms of facilitating more information sharing. I guess there would be grants to somebody from CJA that would make that happen. Mr. Horowitz, do you have a view?

Mr. HOROWITZ. I will just build on similar experiences where there has been issues, lack of sharing of information between public agencies, often under the concern over confidentiality and privacy and where there have been funds to put in to deal with that issue, the issue of dealing and developing and trade of memorandums of understanding; protocols on how this would happen; joint training of law enforcement and child protection welfare workers to the same training; learning about how it happens.

I don't think that it would necessarily require, although it could, new computers to link data bases; but I think much of it at the start would be based on protocols, memorandums of understanding, joint training, and things like that.

Mr. MCCOLLUM. And that is where you see the money going. Okay. That is what I want to know. I was just curious. Mr. Scott, you are recognized.

Mr. SCOTT. Thank you, Mr. Chairman. A lot of the discussion has been where the money comes from. Looking at the bill where the money comes from, are these the kinds of programs that should be funded that best address child abuse, or are there other priorities that we ought to look at?

Ms. SENDEK. I would be willing to respond to that. One of the things that, we are coordinating in Ohio with child abuse, working with the domestic violence coalition, and working with rape victims. I serve on the Ohio Coalition on Sexual Assault.

We have many programs in Ohio working with domestic violence, but what we see time and time again, is that cycle of victimization. Either the offender of that victimization or the recipient of that victimization has been a victim of child abuse. So it starts very early and we are seeing that. Again all of the data that we talked about with crime statistics shows us that cycle of violence.

Granted, we need to fund all of these programs. They are all very critical pieces for our society, but we are really talking about this information for children and changing that cycle at some point.

Mr. SCOTT. Do the provisions of the bill best get at that, or should we focus on something else?

Ms. SENDEK. I think that is what we have been able to do with the system change, the system reform. We also receive—in the program that I work in—VOCA funds for our crime victims, for our child abuse victims. It is critical to the functioning of our programs. But that program is a direct service treatment program and we do business as usual, day in and day out.

We get responses from our children, responses from our families, about how the system does not work. But because of our wait list, because of our commitment to do the work that we do, we don't have the time to be able to back out and take a look at what are we doing that works and what doesn't.

The Children's Justice allows us to come back and to take a look at the multidisciplinary teams, to look at child death review, to take a look at what has to happen differently. I think it is critical.

Mr. SCOTT. Well, more direct, I am not sure that I got an answer. Is what you want funded in this bill?

Ms. SENDEK. Yes.

Mr. SCOTT. So the priorities in the bill are the appropriate priorities?

Ms. SENDEK. Yes, I think so.

Ms. JONES. I was just going to add, Mr. Scott, that these multidisciplinary training teams have helped us to develop better practices. The fact that the training takes place across the board on each of the teams and there is an understanding of what is needed to protect these children, we can save these children with the funding of these terms.

We know what we are doing now is right, as opposed to what we have been doing in the past. We are seeing great success with that. It is getting these teams out across the United States. There are just one or two per State, perhaps; and some of the child advocacy centers have more than just a couple child advocacy centers.

We know that multidisciplinary training will make the difference in the identification of these children and bringing services to these families to keep this generational aspect that I talked about from taking place, to keep these children from reentering our system as criminals later on down the line.

Mr. SCOTT. So the priorities in the bill, you agree, are the highest priorities?

Ms. JONES. I am very comfortable with them myself after 23 years in direct services of this.

Mr. STEIN. If I may jump in. Ms. Sendek, I think, put her finger on what we find troublesome about this approach. She says she gets VOCA funding to do direct services. That is what VOCA was designed to do.

But only the CJA money can step back from direct victim services to reconfigure their investigative program. That is descriptive of why CJA is different from VOCA and why it belongs in a different place from VOCA. We want to hold out VOCA as a broad-based victim assistance and victim compensation system.

I would add this one other thought. Everything that is said about the centrality of child abuse as an incubator of criminality and violence in our society is absolutely right. But you can also get a panel

up here of people speaking about the centrality of domestic violence as being the ruiner of American society.

Mr. SCOTT. Mr. Stein, I understand the point that there is some problems with how it is funded. My specific question is if we are going to address child abuse, are we aiming at the right target for child abuse?

Mr. STEIN. There is a broad array of child abuse programs. Is this a central one? Absolutely.

Mr. SCOTT. Major Jones, you indicated the need to fund and to support court-appointed advocates. Can you tell me what they are and why they are important?

Ms. JONES. I would like to maybe defer to Ms. Sendek on that particular piece because I don't really have the best handle on what CASA workers are doing in support of the children. I speak more from the multidisciplinary team aspect.

Ms. SENDEK. Court Appointed Special Advocates are volunteers who are trained and work under the guises of Court Appointed Special Advocates. CASA is a national organization.

What they do is really look out for the best interests of the child. That sounds somewhat different because when you look at child protective service, that is what they are doing.

What happens in child protective services? We are really looking at reuniting the child with the family and family focused services. If we are looking at prosecution, as my colleague here said, we are often looking at can we win this case. What the CASA worker is doing is really looking in terms of is this what is in the best interest, treatment-wise, medical, mental health, all of those aspects. So the CASA worker is outside of that system, but works with that child within multiple systems.

Mr. SCOTT. Have you seen whether or not those programs are effective?

Ms. SENDEK. Yes. They are excellent. It gives children a voice, and children feel they have a true advocate in that person. They will call us about treatment. They will oppose some of the things that we are doing and at least raise the issues. It is not comfortable, but they raise the issues that need to be raised on behalf of the child.

Mr. SCOTT. Thank you. I would just want to point out that the CASA volunteers are specifically mentioned in the Juvenile Justice Bill that Mr. McCollum has authored, and I am one of the cosponsors. That specific language is put in there, and we just wanted a little bit on the record to let people know why it was there.

Mr. MCCOLLUM. Thank you very much, Mr. Scott. I assume this—before we dismiss the panel since we didn't talk about it—that nobody here on the panel has a problem with the proposal dealing with the Byrne grant program getting an additional permissible use designation.

You support it. I see there are no objections to that part of it. We are going to have to work on the other part of this, obviously, to try to make the purposes at least intended in this legislation a reality without doing any damage to other programs.

So we appreciate very much your coming today and helping us understand better the child abuse situation, as well as the difficul-

ties as we look at how and where we find the funding resources.
Thank you very much, all four of you.

This hearing is adjourned.

[Whereupon, at 11:09 a.m., the subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF CAROL W. WILLIAMS, ASSOCIATE COMMISSIONER, THE CHILDREN'S BUREAU, ADMINISTRATION ON CHILDREN, YOUTH AND FAMILIES, ADMINISTRATION FOR CHILDREN AND FAMILIES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. Chairman and Members of the Subcommittee, I want to thank you for the opportunity to submit testimony regarding H.R. 764, the "Child Abuse Prevention and Enforcement Act", which includes a provision related to the funding set aside for the Children's Justice Act. We greatly appreciate the interest and leadership shown by the members of this subcommittee in working to protect children from abuse and neglect.

We are proud that the Administration has been able to work in a bipartisan fashion with the Congress over the past several years to pass critical child protection and child welfare reform legislation, including the Adoption and Safe Families Act which makes clear that the safety and well-being of children must be the first consideration. We have also recognized that protecting children and assuring them a chance to grow up in safe, stable environments requires the coordinated efforts of child welfare agencies, law enforcement and the courts.

As you know, the Children's Justice Act (CJA) is authorized as part of the Child Abuse Prevention and Treatment Act (CAPTA), which is administered by the Children's Bureau within the Administration for Children and Families in the U.S. Department of Health and Human Services. The Children's Bureau is responsible for administering the major child abuse and neglect and child welfare programs, including the Social Security Act's title IV-B Child Welfare Services and Promoting Safe and Stable Families programs and title IV-E foster care, adoption assistance and Independent Living programs, as well as CAPTA and several other discretionary grant programs. One of our goals in administering the various authorities is to assist the states to use federal funds in a coordinated manner, so as to strengthen the systems for protecting and serving abused and neglected children and their families. In our administration of programs, we also work to coordinate with other federal agencies administering related programs, including the Department of Justice, and we encourage state child welfare agencies to collaborate with other state and local agencies and entities that play critical roles in protecting children. The CJA is an important tool in encouraging and leveraging such coordination at the state and local levels.

The CJA program was first authorized in 1987 for the purpose of developing, establishing and operating programs designed to improve the handling of child abuse cases, particularly child sexual abuse; to strengthen the investigation and prosecution of cases of abuse; to reduce trauma to child victims; and to make needed reforms in state laws, policies and procedures in order to provide comprehensive protection to children. Later the legislation was amended to address sexual exploitation, child maltreatment fatalities, and child maltreatment cases involving a potential combination of jurisdictions, such as interstate, federal-state, and state-tribal. The amendments also addressed the issues of prompt and successful resolution of civil and criminal court proceedings, enhancing the effectiveness of judicial and administrative action in child abuse cases, particularly child sexual exploitation cases, and enhancement of performance of court appointed attorneys and guardians ad litem for children. The statutory language in CAPTA outlines the purposes of the program and the eligibility requirements for states to receive grants. It also specifies that funds for the program are to come from the Victims of Crime Act of 1984, at the level specified by section 1404A of that Act. Since the creation of the CJA program, funds in the Crime Victims Fund have grown from \$77 million to \$362 mil-

lion. Funding for the CJA is set at \$ 10 million, with \$8.5 million being administered by the Children's Bureau for grants to the states, and \$1.5 million administered by the Department of Justice for grants to Indian tribes.

The major purposes of the CJA include improving the investigation, administrative and judicial handling and prosecution of child abuse and neglect; reducing the trauma experienced by child victims; and preventing child maltreatment fatalities. The program is designed to promote systems change and improvement in the arena of child protection. For this reason, one major requirement of the program is that a state multi-disciplinary task force, comprised of representatives from child protective services agencies, law enforcement, the courts, health and medical professionals, and others be established to review and make recommendations on the need for changes in state laws, policies, regulations, training procedures and other systemic factors affecting the protection of abused and neglected children. Among the more frequent types of activities states address using CJA funds are:

- Promoting and funding interagency, multi-disciplinary training and cross-training, so that the various professionals involved in child abuse and neglect cases understand each other's work and learn to communicate effectively across specialties. Such training helps to ensure more comprehensive assessments, more complete investigations and court presentations, reduced trauma to child victims and more appropriate interventions applied in a more timely manner.
- Establishing and providing ongoing training for child fatality review teams that help to identify cases of child maltreatment fatalities and prevent future fatalities.
- Supporting the establishment and/or maintenance of Child Advocacy Centers, where child victims and their families can be interviewed, evaluated and treated by a multidisciplinary team in a child-friendly setting, thereby reducing the risk of subjecting children to further trauma during the investigation child abuse.

I would like to highlight for you several specific examples of activities being carried out by the states with the support of CJA funds.

- Florida has developed educational standards and a certification process for all nonmedical personnel of child protection teams and sexual abuse treatment programs. Child fatality review teams have been established at the state and local levels, in order to review individual child deaths, gather data and utilize that information to design prevention efforts at the state and local levels.
- Texas has used some of its CJA funds to establish the Telemedicine Project to enhance the quality of medical evaluations and consultation for child sexual abuse cases occurring in remote areas.
- The Virginia CJA Task Force recently held two regional multi-disciplinary training conferences, focusing on investigation and prosecution of child maltreatment related fatalities and serious physical abuse. The target audience included law enforcement, child protective services workers, attorneys, school personnel and medical professionals.
- New Jersey's CJA Task Force accomplishments include four regional multi-disciplinary diagnostic facilities for sexual abuse and serious physical abuse cases, with a training component which routinely brings all the various professionals together, resulting in more effective handling and resolving of cases, reduced trauma, to children due to fewer interviews and examinations by individual professionals, and more rapid response to the child's needs for treatment.
- Georgia CJA funds assisted in the development and implementation of a comprehensive training program to strengthen the multi-disciplinary approach to cases and also provided funding of a Children's Advocacy Center serving four northwest Georgia counties.
- Massachusetts funds several Family Advocacy Centers and a case tracking and review project, the goal of which is to enhance an already established multi-disciplinary case review program. Their statewide "Project Alliance" was established to provide consistent and coordinated information to school personnel (teachers, child protection teams) regarding their mandate to report suspected child abuse and neglect. On-site training and technical assistance is provided.

In closing, I would like to again emphasize the importance of strengthening and improving the systems of care for our children so that we can continually ensure

their safety. The Children's Justice Act plays an important part in this ongoing and important work. I thank you for the opportunity to submit this statement for the record.



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